PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME I, 1950

(1st February to 13th March, 1950)

FIRST SESSION

OF

PARLIAMENT OF INDIA

1950

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CORRIGENDA

In the Parliamentary Debates (Part I—Questions and Answers), First Session, 1950—

In Volume I,—

1. No. 3, dated the 3rd February, 1950,—
   (i) Page 55, line 8, *for* "*Shiromoni*" *read* "*Shiromani*";
   (ii) Page 68, line 18 from bottom, *for* "**Seht**" *read* "**Seth**";
2. No. 4, dated the 6th February, 1950,—
   (i) Page 70, line 19 from bottom, *after* "Will" *insert* "the";
   (ii) Page 82, *omit* line 10;
3. No. 5, dated the 7th February, 1950,—
   (i) Page 98, line 4 from bottom, *for* "or" *read* "of";
   (ii) Page 112, line 9, *for* "fields" *read* "oil-fields";
4. No. 6, dated the 8th February, 1950,—
   (i) Page 136, last line, *for* "does not go" *read* "goes";
   (ii) Page 139, line 21 from bottom, *for* "**Sadar**" *read* "**Sardar**";
   (iii) Page 140, line 11 from bottom, *for* "peased" *read* "pleased";
   (iv) Page 143, line 11 from bottom, *for* "delaying" *read* "defying";
5. No. 7, dated the 9th February, 1950,—
   Page 174, last line, *for* "(52)" *read* "(25)";
6. No. 8, dated the 10th February, 1950,—
   (i) Page 195, line 11, *for* "completed" *read* "complete";
   (ii) Page 204, line 4, *for* "lakhs" *read* "lakh";
7. No. 9, dated the 13th February, 1950,—
   Page 208, line 8, *after* "in" *insert* "a";
8. No. 11, dated the 16th February, 1950,—
   (i) Page 280, line 3, *after* "apart" *insert* "from";
   (ii) Page 281, *insert* "IMPROVEMENT OF TOBACCO CULTIVATION" as heading to Starred Question No. 270;
9. No. 13, dated the 20th February, 1950,—
   (i) Page 327, line 2, *for* "Wil" *read* "Will";
   (ii) Page 335, lines 2 and 3, *for* "hydrometeorologica" *read* "hydro-meteorological";
   (iii) Page 348, line 18, *for* "*No. P-65/50*" *read* "*No. P-64/50*";
10. No. 14, dated the 21st February, 1950,—
   (i) Page 386, line 3 from bottom, *before* "Will" *insert* "(a)";
   (ii) Page 388, in heading to Unstarred Question No. 49, *for* "AUD" *read* "AND";

11. No. 15, dated the 22nd February, 1950,—

Page 415, line 10 from bottom, *for* "*Appendix I*" *read* "*Appendix III*";

12. No. 16, dated the 23rd February, 1950,—

(i) Page 423, line 8, *for* "**Railway**" *read* "**Railways**";

(ii) Page 424, line 12, *after* "Railway" *insert* "survey" and line 27, *for* "have" *read* "has";

(iii) Page 444, line 9 from bottom, *for* "Sum" *read* "Sun";

13. No. 17, dated the 24th February, 1950,—

(i) Page 471, line 4 from bottom, *for* "catting" *read* "calling";

(ii) Page 472, line 19, *for* "Government" *read* "Governments";

14. No. 18, dated the 27th February, 1950,—

(i) Page 490, line 2, *for* "had" *read* "hard";

(ii) Page 500, *for* existing heading to Starred Question No. 580, *read* "EXPORT OF MICA";

15. No. 19, dated the 28th February, 1950,—

(i) Page 516, line 1, *for* "remissi of th" *read* "remission of the";

(ii) Page 522, line 1, *for* "lik" *read* "likely";

(iii) Page 526, line 8 from bottom, *before* "discontinue" *insert* "to" and *for* "telegram" *read* "telegrams";

16. No. 20, dated the 1st March, 1950,—

(i) Page 553, last line, *omit* "the" *before* "so-called";

(ii) Page 554, line 17, *for* "Gove nment" *read* "Government";

(iii) Page 560, line 16, *for* "re-introduction" *read* "re-introduced";

17. No. 21, dated the 2nd March, 1950,—

(i) Page 567, line 14 from bottom, *after* "put" *insert* "up";

(ii) Page 578, line 2 from bottom, *after* "that" *insert* "may";

(iii) Page 585, in heading to Starred Question No. 609, *for* "PPERSONS" *read* "PERSONS";

18. No. 22, dated the 6th March, 1950,—

Page 616, line 1, *before* "limits" *insert* "age";

19. No. 23, dated the 7th March, 1950,—

Page 640, lines 1 and 2, *for* "Infomation" *read* "Information";

20. No. 24, dated the 8th March, 1950,

Page 658, line 3, *for* "ot" *read* "to";

21. No. 26, dated the 10th March, 1950,—

Page 717, line 14, *for* "not" *read* "note";

22. No. 27, dated the 11th March, 1950,—

(i) Page 749, line 10, *for* "pudchase" *read* "purchase";

(ii) Page 755, line 2 from bottom, *for* "corruption" *read* "consumption";

23. No. 28, dated the 13th March, 1950,—

(i) Page 787, line 8, *for* "outpt" *read* "output";

(ii) Page 788, line 17, *for* "is" occurring after "There" *read* "are";

In Volume II,—

24. No. 1, dated the 14th March, 1950,—
    (i) Page 825, line 6 from bottom, *for* "Ferbuary" *read* "February";
    (ii) Page 833, line 16 from bottom, *for* "Far" *read* "far";

25. No. 2, dated the 15th March, 1950,—
    Page 857, line 16, *for* "Boys" *read* "Boy";

26. No. 4, dated the 17th March, 1950,—
    (i) Page 899, *for* line 22, *read* "that if he was invited he would be prepared to come again, and, if so, is there";
    (ii) Page 901, *omit* line 9 from bottom;
    (iii) Page 918, in heading to Starred Question No. 944, *for* "COMMUNICATN" *read* "COMMUNICATION";

27. No. 5, dated the 20th March, 1950,—
    Page 927, line 11 from bottom, *for* "instalments" *read* "instalmental";

28. No. 6, dated the 21st March, 1950,—
    Page 963, *for* existing last two lines *read* "**Dr. S. P. Mookerjee**: I think that question will arise after the Institute comes into existence";

29. No. 8, dated the 23rd March, 1950,—
    Page 1020, line 14 from bottom, *for* "moring" *read* "morning";

30. No. 9, dated the 24th March, 1950,—
    Page 1059, line 21, *for* "pltased" *read* "pleased";

31. No. 10, dated the 27th March, 1950,—
    (i) Page 1075, line 5 from bottom, *for* "go" *read* "got";
    (ii) Page 1082, line 3 from bottom, *after* "of" *insert* "the";
    (iii) Page 1101, last line, *for* "strinency" *read* "stringency";

32. No. 11, dated the 29th March, 1950,—
    (i) Page 1125, *omit* line 5 from bottom and after line 3 from bottom, *insert* "*Appendix VI, Annexure No. 5*";
    (ii) Page 1131, line 1, *after* "block" *insert* "grant";
    (iii) Page 1138, line 20, *for* "Cindhya" *read* "Vindhya";

33. No. 12, dated the 30th March, 1950,—
    (i) Page 1172, *omit* line 16 and in line 17, *for* "1848" *read* "1948";
    (ii) Page 1177, in heading to Starred Question No. 1252, *for* "IMMIGRANTS" *read* "INSURGENTS";

34. No. 13, dated the 31st March, 1950,—
    Page 1213, line 23, *for* "1:74 and 1:17" *read* "1·74 and 1·17";

35. No. 14, dated the 1st April, 1950,—
    Page 1242, line 18 from bottom, *for* "1335" *read* "1926".

36. No. 15, dated the 3rd April, 1950,—

(i) Page 1254, line 1, *for* "**Dr. P. S. Mookerjee**" *read* "**Dr. S. P. Mookerjee**";

(ii) Page 1263, line 16 from bottom, *for* "*rehbiwalas*" *read* "*Rahriwalas*";

(iii) Page 1271, line 9 from bottom, *for* "Ministry" *read* "Minister";

37. No. 16, dated the 4th April, 1950,—

(i) Page 1282, line 2 from bottom, *for* "happend" *read* "happened" and line 1 from bottom, *omit* "here";

(ii) Page 1291, line 5 from bottom, *after* "that" *insert* "may be";

38. No. 18, dated the 6th April, 1950,—

(i) Page 1353, in heading to Starred Question No. 1467, *for* "EXPERTS" *read* "EXPORTS"; line 21, *for* "4" *read* "41" and line 6 from bottom, *for* "spending" *read* "sending";

(ii) Page 1354, line 4, *for* "hunred" *read* "hundred";

(iii) Page 1372, line 1, *for* "(i)" *read* "(ii)";

39. No. 19, dated the 8th April, 1950,—

(i) Page 1379, line 16, *after* "fact" *insert* "that";

(ii) Page 1388, line 5, *for* "ond" *read* "and" and line 15, *for* "held" *read* "help";

40. No. 20, dated the 10th April, 1950,—

Page 1438, last line, *for* "of broadcasting is completed" *read* "devolved upon the Government of India?";

41. No. 21, dated the 11th April, 1950,—

Page 1460, line 11, *for* "No. II" *read* "No. 11";

42. No. 22, dated the 12th April, 1950,—

(i) Page 1486, lines 2 and 1 from bottom, *for* "intstituted" *read* "instituted";

(ii) Page 1496, between lines 12 and 13 from bottom, *insert* "STATEMENT BY MINISTER OF STATE FOR TRANSPORT *re* EXPENDITURE IN ASSAM";

(iii) Page 1499, in heading to Starred Question No. 1664, *for* "NDORE" *read* "INDORE";

(iv) Page 1501, line 9 from bottom, *for* "Telgu" *read* "Telugu";

43. No. 23, dated the 14th April, 1950,—

Page 1505, line 8, *for* "**Homes**" *read* "**Home**";

44. No. 25, dated the 17th April, 1950,—

(i) Page 1572, line 8, *for* "acrerage" *read* "acreage";

(ii) Page 1594, line 5, *for* "Project" *read* "Projects";

(iii) Page 1597, line 3 from bottom, *after* "to" *insert* "a";

(iv) Page 1598, line 20 from bottom, *for* "1773" *read* "1783";

(v) Page 1603, in heading to Starred Question No. 1794, *for* "SERDS" *read* "SEEDS";

In Volume III,—

45. No. 1, dated the 18th April, 1950,—

(i) Page 1622, line 2 from bottom, *for* "28,73" *read* "28,739";

(ii) Page 1634, in heading to Starred Question No. 1795, *for* "INCUME-TAX" *read* "INCOME-TAX";

(iii) Page 1636, in heading to Starred Question No. 1827, *for* "KAMPUR" *read* "KAMALPUR";

46. No. 2, dated the 19th April, 1950,—

(i) Page 1657, line 3 from bottom, *for* "loging" *read* "losing"; and

(ii) Page 1670, line 9, *for* "*kutch*" *read* "*Kutcha*".

In Volume 1,—

1. No. 9, dated the 13th February, 1950,—

(i) पृष्ठ २१२, पंक्ति २ पर "भेज" की जगह "भेजे" पढ़ें।

(ii) पृष्ठ २१२, पंक्ति नीचे से ऊपर को ६ पर "हे" की जगह "है" पढ़ें।

(iii) पृष्ठ २१३, पंक्ति ५ पर "जारीं" की जगह "जारी" पढ़ें।

2. No. 11, dated the 16th February, 1950.—

पृष्ठ २६७, पंक्ति ३२ पर "मंजूर" की जगह "मंजूर" पढ़ें।

3. No. 12, dated the 17th February, 1950,—

(i) पृष्ठ २९५, पंक्ति १० पर "ह" की जगह "हर" पढ़ें।

(ii) पृष्ठ २९५, पंक्ति ११ पर "इसक" की जगह "इसके" पढ़ें।

(iii) पृष्ठ २९७, पंक्ति २९ पर "जवान" की जगह "जवाब" पढ़ें।

(iv) पृष्ठ २९७, पंक्ति नीचे से ऊपर को ४ पर "पूंछना" की जगह "पूछना" पढ़ें।

(v) पृष्ठ ३०२, पंक्ति ५ पर "गोविन्द" की जगह "गोविन्द" पढ़ें।

(vi) पृष्ठ ३०२, पंक्ति ६ पर "मै" की जगह "में" तथा "वज्ञानक" की जगह "वैज्ञानिक" पढ़ें।

(vii) पृष्ठ ३०२, पंक्ति १३ पर "बिठई" की जगह "बिठाई" पढ़ें।

(viii) पृष्ठ ३०२, पंक्ति २३ पर "।" की जगह "?" पढ़ें।

(ix) पृष्ठ ३०३, पंक्ति २९ पर "रिकमडेशन्स" की जगह "रिकमेंडेशन्स" पढ़ें।

4. No. 14, dated the 21st February, 1950,—

(i) पृष्ठ ३६०, पंक्ति ३१ पर "कोर्टस" की जगह "कोर्ट्स" पढ़ें।

(ii) पृष्ठ ३७१, पंक्ति २४ पर "उसस" की जगह "उससे" पढ़ें।

5. No. 16, dated the 23rd February, 1950,—

(i) पृष्ठ ४२८, पंक्ति २ पर "पढ़ा" की जगह "पढ़ा" पढ़ें।

(ii) पृष्ठ ४२८, पंक्ति १० पर "भाजीं" की जगह "भाजी" पढ़ें।

(iii) पृष्ठ ४२८, पंक्ति ११ पर " बक्त " की जगह " वक्त " पढ़ें।

(iv) पृष्ठ ४२८, पंक्ति नीचे से ऊपर को ९ पर " राशन का " की जगह " राशन कार्ड " पढ़ें।

(v) पृष्ठ ४३१, पंक्ति १४ पर " बड़ढी " की जगह " कुड्ढी " पढ़ें।

6. No. 17, dated the 24th February, 1950,—

पृष्ठ ४७१, पंक्ति नीचे से ऊपर को ११ " यूनीवर्सिट " की जगह " यूनिवर्सिटी " पढ़ें।

7. No. 20, dated the 1st March, 1950,—

पृष्ठ ५६०, पंक्ति १९ पर " सर्विसेज " की जगह " सर्विसेज " पढ़ें।

8. No. 23, dated the 7th March, 1950,—

पृष्ठ ६४८, पंक्ति २३ पर " गवर्नमट " की जगह " गवर्नमेंट " पढ़ें।

9. No. 26, dated the 10th March, 1950,—

पृष्ठ ७२७, पंक्ति नीचे से ऊपर को ५ पर " उन ो " की जगह " उनको " पढ़ें।

In Volume II,—

10. No. 2, dated the 15th March, 1950,—

(i) पृष्ठ ८४०, पंक्ति नीचे से ऊपर की ओर ८ पर " गेविन्ददास " की जगह " गोविन्द दास " पढ़ें।

(ii) पृष्ठ ८४०, पंक्ति नीचे से ऊपर की ओर ७ पर " गार्डस " की जगह " गार्ड्स " पढ़ें।

(iii) पृष्ठ ८४४, पंक्ति २० पर " नहीं " की जगह " न ही " पढ़ें।

11. No. 6, dated the 21st March, 1950,—

(i) पृष्ठ ९५०, पंक्ति नीचे से ऊपर ४ पर " ट्रेंड " की जगह " ट्रेड " पढ़ें।

(ii) पृष्ठ ९६८, पंक्ति १८ पर " ीडिंग रोड " की जगह " रीडिंग रोड " पढ़ें।

12. No. 15, dated the 3rd April 1950,—

पृष्ठ १२६५, पंक्ति ३ पर " है " की जगह " है " पढ़ें।

13. No. 17, dated the 5th April, 1950,—

पृष्ठ १३३२, पंक्ति २६ पर " बहत " की जगह " बहुत " पढ़ें।

14. No. 18, dated the 6th April, 1950,—

पृष्ठ १३५३, पंक्ति २२ पर " जितनात " की जगह " जितना " पढ़ें।

15. No. 24, dated the 15th April, 1950,—

(i) पृष्ठ १५४३, पंक्ति नीचे से ऊपर ५ पर " ओर " की जगह " और " पढ़ें।

(ii) पृष्ठ १५४७, पंक्ति १९ पर " अनुसन्धान " की जगह " अनुसंधान " पढ़ें।

16. No. 25, dated the 17th April, 1950,—

(i) पृष्ठ १५७२, पंक्ति ४ पर " जेंक " की जगह " जोंक " पढ़ें।

(ii) पृष्ठ १५७२, पंक्ति ५ पर " याजना " की जगह " योजना " पढ़ें।

In Volume III,—

17. No. 1, dated the 18th April, 1950,—

पृष्ठ १६१६, पंक्ति १० पर " करें " की जगह " करेंगे " पढ़ें।

In Volume I—

1. No. 7, dated the 9th February, 1950.

صفحہ ۱۵۷ - نیچے سے سطر ۱۱ - "مانی" کے بجائے "مانیہ" پڑھیں -

2. No. 9, dated the 13th February, 1950.

(۱) صفحہ ۲۱۰ - نیچے سے سطر ۴ - "آف" کے بجائے "ایف" پڑھیں -
(۲) صفحہ ۲۱۱ - سطر ۱۱ - "ارو" کے بجائے "اور" پڑھیں -

3. No. 12, dated the 17th February, 1950.

صفحہ ۳۱۲ - سطر ۱۶ - "انہ" کے بجائے "الہ" پڑھیں -

4. No. 14, dated the 21st February, 1950.

(۱) صفحہ ۳۷۷ - نیچے سے سطر ۱۶ - "الٹھی" کے بجائے "اکٹھی" پڑھیں -
(۲) صفحہ ۳۷۸ - سطر ۱۱ - "تسم" کے بجائے "تمام" پڑھیں -

5. No. 17, dated the 24th February, 1950.

(۱) صفحہ ۴۶۵ - سطر ۲۰ - "کہ" کے بجائے "کا" پڑھیں -
(۲) صفحہ ۴۶۷ - نیچے سے سطر ۴ - "مولاما" کے بجائے "مولانا" پڑھیں -
(۳) صفحہ ۴۷۶ - نیچے سے سطر ۳ - "اللا" کے بجائے "اللہ" پڑھیں -

6. No. 20, dated the 1st March, 1950.

(۱) صفحہ ۵۵۴ نیچے سے سطر ۱۷ - "ارادہ" کے بجائے "آزاد" پڑھیں -
(۲) صفحہ ۵۶۳ - سطر ۱ - "ضروری" کے بجائے "ضروری" پڑھیں -

7. No. 21, dated the 2nd March, 1950.

صفحہ ۵۸۷ - سطر ۱۸ - "ہوتے" کے بجائے "ہونے" پڑھیں -

8. No. 23, dated the 7th March, 1950.

(۱) صفحہ ۶۳۱ - سطر ۱۷ - "مریکہ" کے بجائے "امریکہ" پڑھیں -
(۲) صفحہ ۶۴۷ - نیچے سے سطر ۴ - "سے" کے بجائے "سب" پڑھیں -
(۳) صفحہ ۶۴۷ - نیچے سے سطر ۷ - "دیجانی" کے بجائے "دیجاتی" پڑھیں -

9. No. 26, dated the 10th March, 1950.

(۱) صفحہ ۷۲۵ - سطر ۷ - "شمجھی" کے بجائے "سمجھی" پڑھیں -
(۲) صفحہ ۷۲۵ - سطر ۸ - "پیکلک" کے بجائے "پیکلنگ" پڑھیں -
(۳) صفحہ ۷۲۷ - سطر ۵ - "جی - ایس - مسافر" کے بجائے "گیانی جی - ایس - مسافر" پڑھیں -
(۴) صفحہ ۷۲۷ - سطر ۱۰ - "رقسم" کے بجائے "رقم" پڑھیں -
(۵) صفحہ ۷۲۸ - سطر ۲ - "پھی" کے بجائے "بھی" پڑھیں -
(۶) صفحہ ۷۲۸ - نیچے سے سطر ۱۵ - "اللا" کے بجائے "اللہ" پڑھیں -
(۷) صفحہ ۷۲۸ - نیچے سے سطر ۱۵ - "کرے" کے بجائے "کرنے" پڑھیں -
(۸) صفحہ ۷۳۰ - نیچے سے سطر ۶ - "ساھتئے" کے بجائے "ساھتیہ" پڑھیں -
(۹) صفحہ ۷۳۰ - نیچے سے سطر ۷ - "نوکریوی" کے بجائے "نوکریوں" پڑھیں -
(۱۰) صفحہ ۷۳۰ نیچے سے سطر ۱۲ - "بادے" کے بجائے "بارے" پڑھیں -
(۱۱) صفحہ ۷۳۵ - نیچے سے سطر ۱۰ - "افرار" کے بجائے "افراد" پڑھیں -
(۱۲) صفحہ ۷۳۵ - نیچے سے سطر ۱۴ - "گوا" کے بجائے "گولا" پڑھیں -

10. No. 27, dated the 11th March, 1950.

صفحہ ۷۵۱ - نیچے سے سطر ۳ - "اور وہ" کے بجائے "اور وہ" پڑھیں -

In Volume II—

1. No. 2, dated the 15th March, 1950.

(۱) صفحہ ۸۵۳ - نیچے سے سطر ۹ - "۴۰" کے بجائے "۴۰" پڑھیں -

(۲) صفحہ ۷۵۴ - سطر ۱۶ - "پڑھلے" کے بجائے "بڑھلے" پڑھیں -

2. No. 5, dated the 20th March, 1950.

صفحہ ۹۳۹ -نیچے سے سطر ۳ - "آراد" کے بجائے "آزاد" پڑھیں -

3. No. 11, dated the 29th March, 1950.

(۱) صفحہ ۱۱۰۷ نیچے سے سطر ۳ - "بوتیر" کے بجائے "بوتیز" پڑھیں -

(۲) صفحہ ۱۱۱۵ - سطر ۱ - "رنگناھن" کے بجائے "رنگناتھن؟" پڑھیں -

(۳) صفحہ ۱۱۳۰ - نیچے سے سطر ۱۳ - "آرگیانائز" کے بجائے "آرگنائز" پڑھیں -

4. No. 20, dated the 10th April, 1950.

(۱) صفحہ ۱۴۰۸ - سطر ۱۸ - "رکھ دیہ" کے بجائے "رکھ دیا" پڑھیں -

(۲) صفحہ ۱۴۲۲ - سطر ۱۱ - "مدر" کے بجائے "مدد" پڑھیں -

5. No. 23, dated the 14th April, 1950.

(۱) صفحہ ۱۵۰۰ - نیچے سے سطر ۱۲ - "ھاوس" کے بجائے "ھاؤس" پڑھیں -

(۲) صفحہ ۱۵۱۲ - سطر ۷ - "مولاسا" کے بجائے "مولانا" پڑھیں -

(۳) صفحہ ۱۵۱۲ - نیچے سے سطر ۴ - "کرن" کے بجائے "کرکے" پڑھیں -

(۴) صفحہ ۱۵۱۶ - سطر ۴ - "فورا" کے بجائے "فوراً" پڑھیں -

(۵) صفحہ ۱۵۱۶ - نیچے سے سطر ۱۲ - "۷۷۱۰" کے بجائے "۷۷۲۰" پڑھیں -

(۶) صفحہ ۱۵۱۸ - سطر ۳ - "دلاونگا" کے بجائے "دلاؤنگا" پڑھیں -

(۷) صفحہ ۱۵۲۵ - نیچے سے سطر ۲ - "۱۹۴۱ء" کے بجائے "۱۹۴۹ء" پڑھیں -

6. No. 24, dated the 15th April, 1950.

(۱) صفحہ ۱۵۴۷ - سطر ۶ - "اللا" کے بجائے "اللہ" پڑھیں -

(۲) صفحہ ۱۵۴۹ - سطر ۴ - "اللا" کے بجائے "اللہ" پڑھیں -

In Volume III—

1. No. 1, dated the 18th April, 1950.

(۱) صفحہ ۱۶۰۸ - سطر ۱۲ - "ازاد" کے بجائے "آزاد" پڑھیں -

(۲) صفحہ ۱۶۰۸ - نیچے سے سطر ۹ - "زپورٹ" کے بجائے "رپورٹ" پڑھیں -

(۳) صفحہ ۱۶۰۹ - سطر ۹ - "آزا" کے بجائے "آزاد" پڑھیں -

(۴) صفحہ ۱۶۱۵ - سطر ۱ - "ایھں" کے بجائے "ایس" پڑھیں -

(۵) صفحہ ۱۶۱۶ - نیچے سے سطر ۱۹ - "انڈسٹریل" کے بجائے "انڈسٹریل" پڑھیں -

(۶) صفحہ ۱۶۰۱ - سطر ۷ - "لے" کے بجائے "کے" پڑھیں -

(۷) صفحہ ۱۶۲۱ - نیچے سے سطر ۱۷ - "تیو" کے بجائے "تہار" پڑھیں -

(۸) صفحہ ۱۶۲۲ - سطر ۱۲ - "م" کے بجائے "ھم" پڑھیں -

(۹) صفحہ ۱۶۲۲ - سطر ۱۳ - "نفریلس" کے بجائے "کانفریلس" پڑھیں -

(۱۰) صفحہ ۱۶۲۵ - نیچے سے سطر ۱۲ - "درایہ" کے بجائے "درامد" پڑھیں -

PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

Monday, 13th February, 1950

The House met at a Quarter to Eleven of the Clock.

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

MEMBERS SWORN

Shri M. R. Masani (Bombay).

Shri Sardar Singhji of Khetri (Rajasthan).

ORAL ANSWERS TO QUESTIONS

SALE OF HYDERABAD GOLD

*212. **Shri Sidhva:** (a) Will the Minister of **Finance** be pleased to refer to the answer given to my starred question No. 740 on 20th December, 1949, and state whether any commission was charged by Government for the sale of gold on behalf of Hyderabad Government?

(b) What expense was incurred by Government on the disposal of this gold?

(c) In what securities has the Nizam invested the money remitted to him as the sale proceeds of gold?

(d) Is this amount subject to income tax?

(e) Was any other quantity of gold sent to the Reserve Bank for sale?

The Minister of Finance (Dr. Matthai): (a) The sale was not on behalf of the Hyderabad Government. The gold was the personal property of His Exalted Highness the Nizam. No commission was charged by Government. But the Reserve Bank charged the usual commission.

(b) No expense was incurred by Government.

(c) The gold being the personal property of the Nizam the investment of the sale-proceeds does not concern the Government of India and is entirely for His Exalted Highness to determine.

(d) The sale-proceeds are not subject to Income-Tax.

(e) It is not in the public interest to disclose this information.

Shri Sidhva: What was the total amount of the gold and what commission did the Reserve Bank charge, may I know?

Dr. Matthai: I think I have answered this question on a previous occasion. The total amount of gold sold, as far as I can remember, was somewhere about 70,500 tolas and the amount realised was about Rs. 80 lakhs. The commission charged by the Reserve Bank is one-sixteenth per cent of the sale-proceeds.

Shri Gautam: Was any portion of the money deposited in banks outside India?

Dr. Matthai: I am not in position to answer that question.

Shri Joachim Alva: Has the Reserve Bank effected any such sale on behalf of other Rulers?

Dr. Matthai: Not to my knowledge.

APPRAISERS IN BOMBAY POST OFFICE

*212-A. **Shri Sidhva:** Will the Minister of **Finance** be pleased to lay on the Table a statement showing:

(a) how many appraisers are working in the Post Office in Bombay for assessing duties on dutiable goods?

(b) how many packages are received every day for such assessment?

(c) Is it a fact that packages for assessment of duty have been lying unassessed in G.P.O. Bombay for the last four months and over?

(d) if so, what is the reason for this delay?

(e) has any complaint been made by any Association or individual about this delay and if so, with what result?

The Minister of Finance (Dr. Matthai): (a) The Postal Appraising Section normally consists of three Appraisers and twenty Examiners all of whom attend to assessment work. From 3rd January, 1950 this staff has been temporarily augmented by the transfer to this Section of four additional officers of the Examiners grade with a view to clearing up the arrears.

(b) This figure cannot be definitely stated. On the basis of average for December 1949 and January 1950, 630 parcels and 250 packets are received for examination and assessment per day. These figures do not include parcels assessed on the basis of declarations in the postal way-bills without being opened for examination.

(c) Yes, Sir.

(d) In most cases the reason for detention is the non-production of Import Trade Control licences by the addressees.

(e) A number of complaints were received both from Commercial Associations and private individuals. All such complaints were promptly attended to and every assistance was rendered to firms and persons who approached the Customs Department for assessment and release of parcels required urgently. Necessary action to clear the arrears has also been taken in co-operation with the Postal and Import Trade Control authorities.

Shri Sidhva: In view of the admission that the delay actually took place, may I know whether the attention of the authorities was drawn to the inadequacy of the staff, and if so, why there was so much delay in augmenting the staff—till 3rd January, as the hon. Minister stated?

Dr. Matthai: The real cause for all this delay is the fact that in a large number of cases the Import Control licences are not produced by the addressees. In order to obviate this delay we are tackling the problem from the point of view of expediting the release of licences.

Shri Sidhva: Is it a fact that a single firm paid Rs. 20,000 as duty and its goods were lying from the end of September to the end of January, and if so, what steps are proposed to be taken to minimise such delay to merchants?

Dr. Matthai: Since the delay arises principally from the non-production of import licences what we propose to do first of all is to see that parcels of a value below a certain limit should be released without the production of import licences particularly if they come from sterling areas. I think at present the limit is Rs. 200. We are going to raise it to Rs. 500. We are also going to introduce a similar practice in regard to dollar areas. Another thing we are proposing to do is, in order to relieve the congestion at Bombay, we are trying to open an office here in Delhi, so that parcels coming to North India might be dealt with here and not at Bombay, which would greatly relieve the congestion.

THEFT OF DYNAMITE

***212-B. Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that 2,000 parcels of dynamite for Army were missing in transit from Abu Road or some other station?

(b) Is it a fact that a person involved in the matter had gone to Pakistan?

(c) Is it a fact that the said person while coming to the Indian Union was detected at Ahmedbad aerodrome near about the 3rd week of December last and that he has been arrested?

(d) If so, what is the present position of the case?

The Minister of Defence (Sardar Baldev Singh): (a) to (d). I am not aware of any such incident and, if the hon. Member would like me to make further enquiries, I should be grateful for more detailed information.

Shri Sidhva: May I know whether it is not a fact that one Mr. Yakub Noor Muhammad was arrested for taking away 2,000 parcels of dynamite belonging to the Army that he went to Pakistan and subsequently he came to the aerodrome at Ahmedabad where he was arrested? Is it not a fact, and may I also know whether sufficient information about this was also published in the newspapers and whether his attention has been drawn to it or not?

Sardar Baldev Singh: Whatever appears in the newspapers is not always correct. We have tried to make enquiries and I have not been able to ascertain the authenticity of the reports published in the newspapers.

Shri Sidhva: May I ask whether any such dynamite was lost?

Mr. Chairman: The question has been sufficiently answered.

Shri Sidhva: Sir, the hon. Minister says that the information whether the man has absconded is not available. I want to know whether these 2,000 parcels or any other number of parcels of dynamite were missing.

Sardar Baldev Singh: I am afraid the hon. Member has not followed my answer. What I have said in my answer is that there is absolutely no information about the loss of 2,000 parcels of dynamite.

Shri Kamath: Was any lesser number of parcels lost?

Sardar Baldev Singh: Not even a lesser number.

Shri Hossain Imam: May I know how unstarred questions are treated as starred and starred questions are treated as unstarred?

Mr. Chairman: Out of three starred questions in the name of Mr. Sidhva he gave up two for being treated as unstarred, and two unstarred questions were substituted in their place.

Pandit M. B. Bhargava: Do I understand that it will be the practice to change any unstarred question into a starred question, and if so, what will be the criterion for making such a change?

Mr. Chairman: The hon. Member has already given notice of five questions. Out of his three starred questions the hon. Member has chosen to put only one as starred and the remaining two as unstarred, and in their place he is putting two of his unstarred questions as starred ones. So, in all, he is allowed to put only three questions for oral answer.

An Hon. Member: But he cannot put his last question.

Pandit M. B. Bhargava: May I know whether a Member has the right to decide which question should be starred and which unstarred?

Mr. Chairman: Where an hon. Member has given notice of more than three questions it is in the discretion of the hon. Member to choose three out of them.

Pandit M. B. Bhargava: Whether a particular question is to be treated as starred or unstarred—is it the absolute right of the Member concerned?

Mr. Chairman: So far, the practice has been that, subject to the orders of the Speaker, all the questions which a Member himself makes 'starred' are treated as 'starred'.

STUDENTS FROM THE PHILLIPINES

*216. **Sardar Hukam Singh:** (a) Will the Minister of **Education** be pleased to state whether it is a fact that under the Students Exchange Scheme some Phillipino students had come to India for studies?

(b) What was the number of these students and which are the Universities or Institutions to which these students were attached?

(c) Did these students stay in India for the full course of their studies and if not, why not?

(d) What was the understanding or the basis on which these students were invited to this country?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) فلی پائن کا ایک وفد یہاں آیا ہے۔ لیکن جنرل اسکالرشپ اسکیم کے اندر - اکسچینج اسکیم کے اندر کوئی نہیں آیا -

(بی) ایک وفد کلکتہ یونیورسٹی میں -

(سی) نہیں۔ فلی پائن وفد کے ممبر پانچ تو آف ریس اپنی تعلیم شروع کرنے سے پہلے ہی واپس چلے گئے - انہوں نے یہاں پہنچنے کے بعد درخواست کی تھی کہ ان کے اسکالرشپ کی رقم بڑھا دیجائے - گورنمنٹ ایسا نہیں کر سکتی تھی اس لئے وہ چلے گئے -

انہوں نے یہ درخواست بھی کی تھی کہ انہیں واپسی کے سفر کے لئے مدد دی جائے چونکہ یہ بات ان ٹھہرائی ہوئی شرطوں کے خلاف تھی جنہیں وہ مان کر یہاں آئے تھے - اس لئے گورنمنٹ اسے منظور نہیں کر سکی -

(تی) ایک اسٹیمنٹ منٹ ہاؤس کے ٹیبل پر رکھدیا جاتا ہے اس سے معلوم ہو جائے گا کہ گورنمنٹ جس تھانگ سے یہ کام کر رہی ہے وہ کیا ہے - (See *Appendix I, annexure No. 24*) تمام ودیارتھیوں کو جو اس اسکالرشپ کے لئے درخواست دیتے ہیں پہلے سے یہ بات صاف طور پر بتلا دی جاتی ہے کہ اسکالرشپ کی جو رقم ٹھہرا دی گئی ہے وہ نہیں بڑھائی جائیگی اور نہ کوئی رقم سفر خرچ کے لئے دی جائیگی - جو لوگ یہاں آنا چاہیں وہ ان باتوں کو اچھی طرح سمجھ بوجھ کر آئیں - ہر ودیارتھی کو جب تک وہ یہاں رہے دو سو روپیہ ہر مہینے دیا جاتا ہے اس میں اسے اپنے رہنے سہنے کا انتظام کرنا چاہیئے - ٹیوشن اور اکزامینیشن کی فیس اور اس طرح کا دوسرا کوئی خرچ اگر ہو اس دو سو روپیہ کے اندر نہیں رکھا گیا ہے - اس کا گورنمنٹ الگ انتظام کر دیتی ہے

The Minister of Education (Maulana Azad): (a) No Phillipine student came to India under the exchange scheme, though one Phillipine student came under the General Scholar-ship scheme of the Government of India.

(b) One, University of Calcutta.

(c) No. The student—Mr. Banito F. Reyes from Phillipines left without taking up his course at the University because immediately on his arrival in India he asked for a substantive increase in his scholarship. Government could not agree to his request.

He then asked for financial assistance for his return passage. The Government of India could not agree to this request also, as, like the former, this request too was outside the scope of the scholarship scheme under which he had been selected for studies in India and no exception could be made in his case.

(d) The details of the understandings given by Government may be seen in the Memorandum of Instructions placed on the Table of the House. (See *Appendix I, annexure No.* 24). It was made clear to all students before they left their respective homes that no increase in their scholarship could be considered in any circumstance, nor would the Government of India bear any part of their passage expenses. While in India, they are to be paid a fixed stipend of Rs. 200 P.M. out of which they are required to meet expenses for games, libraries, hostel and other miscellaneous fees, as also their normal medical charges and expenses during vacations etc. The Government of India have, in addition to the fixed stipend of Rs. 200 per mensem, undertaken to pay their tuition fees, examination fees and capitation charges if any, direct to the Institutions where they study.

सरदार हुक्म सिंह : क्या कोई हमारे हिन्दुस्तानी भाई विद्यार्थी फ़िलिपाईनस् में भेज गये थे ?

Sardar Hukam Singh: May I know if any of our Indian students were sent to Phillipines?

مولانا آزاد : میں سمجھتا ہوں کہ ہندوستان کا کوئی وذیارتھی نہیں بھیجا گیا

Maulana Azad: To my knowledge, no Indian student was sent.

सरदार हुक्म सिंह : क्या माननीय मंत्री साहिब के नोटिस में यह बात आई है कि फ़िलिपाईनस् प्रेस में एक प्रोपेगेन्डा (propaganda) किया गया है कि हिन्दुस्तान ने उनको सहूलियतें देने से इनकार कर दिया है, इस वास्ते वह वापिस चले आये हैं ?

Sardar Hukam Singh: Is the hon. Minister aware of the propaganda carried on in the Phillipines Press that students from there had to return because of the refusal of the Government of India to extend certain facilities to them?

مولانا آزاد : جو واقعات پیش آئے تھے وہ میں نے بیان کر دئے ہیں اب اس سلسلے میں اگر کوئی پروپیگنڈا کیا جا رہا ہے تو اس پر ہمیں افسوس ہے - میں پورے زور کے ساتھ کہونگا کہ اس بارے میں گورنمنٹ آف انڈیا کی جانب سے کوئی کوتاہی نہیں ہوئی ہے -

Maulana Azad: I have stated the facts. If any propaganda is being carried on in this connection we may regret it. I would say with all emphasis that nothing has been left undone by the Government of India in this connection.

सरदार हुक्म सिंह : क्या कोई ख़तोकिताबत उस गवर्नमेन्ट से इसकी निस्बत हुई है ?

Sardar Hukam Singh: Has there been correspondence with the Government there in this connection?

مولانا آزاد : جہاں تک میں سمجھتا ہوں کوئی نہیں ہوئی ہے -

Maulana Azad: None, as far as I know.

श्री कामत : सरकार ने दुनिया के कितने देशों के साथ इस तरीके की एक्सचेंज स्कीम (Exchange Scheme) बनाई है ?

Shri Kamath: What is the number of countries with which the Government has entered into an Exchange Scheme of this type?

مولانا آزاد - میں نے ابھی کہا ہے کہ یہ وذیارتھی جو آئے تھے وہ اکسچینج اسکیم کے اندر نہیں آئے تھے جنرل اسکالر شپ اسکیم کے ماتحت آئے تھے - اس جنرل اسکیم کے ماتحت ۵۳ آدمی تعلیم پا رہے ہیں -

Maulana Azad: I have just said that the students in question were not here under the Exchange Scheme but under the General Scholarship Scheme. Under this General Scheme 53 persons are receiving education at present.

श्री कामत : लेकिन क्या कोई खास एक्सचेंज स्कीम और किसी मुल्क के साथ ज़ारी है ?

Shri Kamath: Is there any special Exchange Scheme in vogue with any other country?

مولانا آزاد : ہاں ہے -

Maulana Azad: Yes, it is.

श्री कामत : यह एक्सचेंज स्कीम कितने मुल्कों के साथ जारी है ?

Shri Kamath: With how many countries?

مولانا آزاد : میں تمام ملکوں کے نام اس وقت نہیں بتا سکتا لیکن چائنا اور ایران کے وذیارتھی یہاں تعلیم پا رہے ہیں -

Maulana Azad: Just now I am not in a position to give names of those countries. Students from China and Iran however, are receiving their education here.

श्री कामत : और अमरीका के ?

Shri Kamath: What about America?

مولانا آزاد : نہیں میں نہیں سمجھتا کہ امریکہ کے وذیارتھی یہاں تعلیم پا رہے ہیں -

Maulana Azad: No, I do not know if any American students are being trained here.

श्री कामत : क्या अभी हाल में पिछले हफ्ते कोई एग्रीमेंट (agreement) बनाया गया है ?

Shri Kamath: Has any 'agreement' been chalked out during the last week?

مولانا آزاد : اس ایگریمنٹ کا تعلق اس اسکیم سے نہیں ہے -

Maulana Azad: The 'agreement' referred to concerns something else and not this.

श्री त्यागी : यह ५३ दूसरे मुल्कों के विद्यार्थी पा रहे हैं, इस पर करीबन f कितना रूपया खर्च हो ता होगा ?

Shri Tyagi: What is the approximate estimated expenditure being incurred on these 53 students from countries overseas?

مولانا آزاد : میں نے ابھی بتایا کہ ایسے ودیارتھیوں کے لئے دو سو روپیہ ماہوار کی رقم تجویز کی گئی ہے میں پورا ٹوٹل نہیں بتا سکتا - لیکن جو ودیارتھی تبادلہ میں آئے ہیں وہ اور ملکوں کے ہیں یہ ۵۳ دوسرے ملکوں کے ہیں -

Maulana Azad: I said it just now that a sum of Rs. 200 per month per student has been fixed in such cases. I am not in a position to give the total amount. The students who are here under the Exchange system, come from the countries different from those to which these 53 belong.

श्री त्यागी : क्या वह विद्यार्थी जो तबादले में यहां आते हैं, वह दूसरे मुल्कों से आते हैं और यह ५३ किसी दूसरे मुल्कों के हैं ?

Shri Tyagi: Is it so that the students coming here on mutual exchange belong to the countries different from which these 53 come?

مولانا آزاد : جو ودیارتھی تبادلے میں آئے ہیں وہ دوسری اسکیم کے ماتحت آئے ہیں ہو سکتا ہے کہ ایک ہی ملک سے جنرل اسکیم کے ماتحت بھی ودیارتھی آیا ہو اور تبادلہ کی اسکیم کے ماتحت بھی آیا ہو - جنرل اسکیم کا مقصد یہ ہے کہ ہندوستان میں اور دوسرے مشرقی ملکوں میں باہمی تعلیمی تعلقات پیدا ہوں - نیز دوسرے ملکوں میں رہنے والے ہندوستانیوں کی اولاد کو ہندوستان آنے اور تعلیم پانے کا موقعہ ملے -

Maulana Azad: Students coming on exchange basis come under a different scheme. It is just possible that from one and the same country students should have come under the general scheme as also under the exchange scheme. The purpose behind the general scheme is that mutual educational relations should be created between India and other countries of the East and also that the children of the Indians living in other countries should have an opportunity of coming over to India and receiving education here.

श्री त्यागी : जिन मजामीन की तालीम पाने के लिये यहां आते हैं, उसकी तसखीस और उसका तहैया हम करते हैं, या वहां की गवर्नमेंट करती है ?

Shri Tyagi: Is the choice of subjects for which they come here to receive education made by us or by the Government of the student's own country?

Mr. Chairman: The question hardly arises. The main question relates to Phillipines and exchange of students does not relate to it.

Shri Tyagi: I want to know whether we are giving them education in subjects of our choice or whether they choose the subjects themselves. In giving our scholarships, are we trying to disseminate our culture?

Mr. Chairman: I do not say the question is not important, but it does not arise out of this.

INTER-DOMINION CONFERENCE

*219. **Sardar Hukam Singh:** (a) Will the Minister of **Finance** be pleased to state whether the Government of Pakistan suggested to the Government of India during November 1949 that an interim conference be held to discuss and settle outstanding questions connected with devaluation?

(b) Have the Government of India expressed their willingness to have such a discussion ?

The Minister of Finance (Dr. Matthai): (a) I would refer the hon. Member to the answer I gave to parts (a) and (b) of the starred question No. 67 on the 29th November 1949.

(b) The Government of India have all along expressed their willingness to hold such a conference.

Sardar Hukam Singh: Is any such conference under contemplation in the near future?

Dr. Matthai: It is not possible for me to give an answer to that question because the position at present is that while both the Governments are agreed as regards the idea of a conference, there has not been sufficient agreement as regards the scope of the discussions at the conference.

INTEGRATION OF INDIAN STATE FORCES

*221. **Pandit M. B. Bhargava:** (a) Will the Minister of **Defence** be pleased to state what was the strength of the Armies maintained by the various Indian States on or about the 15th August, 1947?

(b) What progress has so far been made towards the integration of the Indian State Forces with the Indian Army and by which date the integration is likely to be completed?

(c) Will the Indian Command be in direct control and charge of the Indian Forces for organisational, training and operational purposes?

(d) What additional expenditure are the Government of India likely to incur by the integration, control and supervision of the Indian State Forces and will this expenditure be borne wholly by the Government of India or shared by the State Governments concerned?

The Minister of Defence (Sardar Baldev Singh): (a) It will not be in the public interest to disclose the strength of the various components of the Indian Armed Forces.

(b) and (c). It is not clear what the hon. Member means by the word "integration". Under the Constitution, the State Forces are a part and parcel of the Armed Forces of the Union and are subject to the control of Parliament. The operational control of the entire State Forces vests in the Indian Army. In regard to administrative control there is a special agreement with the Rajpramukhs of Rajasthan, P.E.P.S.U., Madhya Bharat and Saurashtra according to which they remain in administrative control of the Forces in these Unions, subject to such general or special orders as the President may issue. All the other State Forces will soon be merged with the Indian Army, and the Indian Army will be in entire control of these Forces.

The State Forces are being reorganised with a view to relating them to the actual requirements from the overall defence point of view. It is hoped that before the end of the financial year 1950-51, this process of reorganisation will be completed.

(d) As a result of the financial integration of Federal subjects in the States the Central Government will assume the entire financial liability in respect of the Defence Forces from 1st April, 1950. For an indication of the additional expenditure involved I would request the hon. Member to await the presentation of the Budget.

Pandit M. B. Bhargava: May I know whether all the Forces that existed in the States have been absorbed or has there been some reduction in them?

Sardar Baldev Singh: Up to now there has been no demobilization. All the State Forces that existed in the different units have been taken over in the Indian Army.

Shri Raj Bahadur: May I know whether the scales of salaries and allowances of the officers in the Indian States Forces have been brought on a par with that of the Indian Army officers?

Sardar Baldev Singh: Not just now, but it is our intention that in due course of time the rates of pay of all these officers and men in the State Forces should be brought to the same level as in the Indian Army.

Sardar B. S. Man: May I know what are the reasons for this discrimination in favour of Saurashtra, P.E.P.S.U. and Rajasthan?

Sardar Baldev Singh: There is no question of favourable treatment. It is a question of a separate agreement with the Rajpramukhs of these Unions.

Sardar B. S. Man: I want to know why this separate agreement has been reached with P.E.P.S.U. whereas it has not been reached with other Rajpramukhs.

Sardar Baldev Singh: On account of the special position, which the hon. Member knows. There are a number of States that have merged into the Union and we have got to respect the agreement arrived at with them.

Prof. Ranga: Have the Jat Forces of Jodhpur and some other States in Rajasthan which were retrenched for the time been absorbed?

Sardar Baldev Singh: I do not know what the hon. Member means, but all these State Forces which were with these Unions have been merged with the Indian Army.

Shri Tirumala Rao: Are attempts being made to bring the State Forces, in the matter of equipment, training and efficiency, on a par with the rest of the Indian Army?

Sardar Baldev Singh: Yes, that is our intention.

Prof. Ranga: Is it a fact that some of the Jat Forces from the Jodhpur Army were retrenched or some disciplinary action was taken against them on flimsy grounds and some appeals were made to the States Ministry and the Defence Ministry, and they were given an assurance that they would be absorbed again?

Sardar Baldev Singh: As far as the Defence Ministry is concerned, no representations were made to it, but I believe the hon. Member has in mind the case of some Jodhpur units against whom disciplinary action was taken. My information is that some of them were taken back and those who were taken back in the Jodhpur Forces have come over to us.

Shri Sidhva: May I know, in regard to the reply given by the hon. Minister to part (a) that it will not be in the public interest to give this information, whether his attention has been drawn to the exact figures of all Armed Forces, including the Navy and the Air Force, published in several newspapers last month; if so, what has he to say about that?

Sardar Baldev Singh: I have not seen the figures referred to by the hon. Member, but whatever figures I have seen in newspapers, I can assure the hon. Member, are not correct.

Shri Raj Bahadur: May I know the number of persons disbanded in Jodhpur and the nature of disciplinary action taken against them as also the number now taken back in service?

Mr. Chairman: The question does not arise.

Shri Tyagi: Has the strength of the regular Army been reduced to the extent of the additions made from the State Armies?

Sardar Baldev Singh: It is not in the public interest to give this information, but the hon. Member's information is not correct.

Shri Kamath: How long are the special agreements to which my hon. friend Sardar B. S. Man referred expected to be in force? How long will they last?

Sardar Baldev Singh: I think it rests with the Parliament. Unless some change is made, they continue.

Shri Kamath: Parliament? Was Parliament consulted when the agreements were made?

Shri Tyagi: May I know whether the States are paying to the Central Government the amount of expenditure they used to incur till now on their Army?

Mr. Chairman: This is more or less a question of finance and it does not arise from this question.

Shri Tyagi: The Armies have been taken over. Have the expenses also been taken over from them?

Mr. Chairman: It does not arise.

Sardar B. S. Man: After the merger of the State Forces with the Indian Army, what ranks are they given? Are they given identical ranks?

Sardar Baldev Singh: The procedure that we propose to follow is this. After the State Forces have been merged with the Indian Army, a Selection Board will be appointed, which will take up the case of all the officers in the State Forces. Those who are found fit and up to the mark will be taken in the regular Forces.

Kanwar Jaswant Singh: After the Indian State Forces have been integrated as just now mentioned by the hon. Minister, may I know what will be the position of the Rajpramukhs *vis a vis* the Forces? Will the Forces continue to be under them, or will the Rajpramukhs have nothing to do with them as in the case of Governors?

Sardar Baldev Singh: The hon. Member has not followed my answer. I have clearly stated that after this integration, the Rajpramukhs will only be in administrative control of the Forces. As regards operational control, it will be entirely within our power.

INSTITUTIONS FOR NAVAL WARFARE TRAINING

*222. **Pandit M. B. Bhargava:** (a) Will the Minister of **Defence** be pleased to state whether there are institutions imparting Naval Warfare training in India and if so, what is their number and location and what is the number of trainees in these institutions?

(b) What is the recurring and non-recurring expenditure on these institutions?

(c) Have Government sent some students to foreign countries for receiving training in Naval Warfare?

(d) If so, to which countries and what is the amount of expenditure incurred by the Government thereon?

The Minister of Defence (Sardar Baldev Singh): (a) to (d). There are seven institutions where naval training is imparted. These are located in the States of Bombay, Madras, Travancore-Cochin, and Saurashtra. A certain number of students are also sent to the U.K. for training.

It will not be in the public interest to give the information desired either as regards the number of persons receiving training in these institutions or as regards the expenditure incurred in respect of such training.

Pandit M. B. Bhargava: May I know whether the staff in these training institutions is foreign or Indian personnel?

Sardar Baldev Singh: Both.

Shri Gautam: Has the Defence Ministry got all kinds of ships for training, if not, what are the steps being taken by Government to get them?

Sardar Baldev Singh: As the hon. Member is a member of the Standing Committee, he knows it very well that we have not got all the ships for training purposes. Whatever ships we have not got, arrangements are in hand to get them.

Prof. Ranga: Are there students in these training institutions to their full capacity?

Sardar Baldev Singh: I am afraid not at present. The House is perhaps aware that most of the training institutions were in Pakistan as far as Navy is concerned. We are building up new institutions to suit our requirements.

INDIAN STATES FINANCES ENQUIRY COMMITTEE ON HYDERABAD

*223. **Pandit M. B. Bhargava:** (a) Will the Minister of **States** be pleased to state whether the Indian States Finances Enquiry Committee on Hyderabad has submitted its final report?

(b) If so, what are the main recommendations of the said Committee?

(c) What steps have been taken so far or are being taken by the Government of India to implement its recommendations?

(d) Have Government accepted the recommendations *in toto* or with modifications, and if so, with what modifications?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) Copies of the Report have been circulated to the hon. Members.

(c) and (d). The recommendations have been accepted by the Government of India and the Hyderabad Government, subject to certain computational adjustments but without any modification of the main principles; it has also been agreed that internal customs duties should be abolished over a period of four years instead of over three years as recommended by the Committee.

Detailed arrangements for implementing the scheme from 1st April, 1950 are being worked out.

Prof. Ranga: In view of the fact that the operations of these Custom Houses within the Hyderabad State have been one of the biggest sources of trouble to us and a source of strength to the Communists, will Government consider the advisability of expediting the policy of abolition of these Custom Houses?

Sardar Patel: Things involving much more serious trouble have been abolished. The customs period has been fixed for four years between the Hyderabad Government and the Government of India. I do not think it will work as much hardship now. It cannot be abolished in a period of less than four years.

Prof. Ranga: The point is this. As this abolition is to take place in the course of four years, will Government consider the advisability of abolishing them in those areas where there is trouble?

Sardar Patel: If we find it necessary, we will do so.

Shri Kamath: Are the old coins and paper currency of Hyderabad being withdrawn from circulation?

Mr. Chairman: May I point out that there is no question of coinage in this Question? It relates to the States Finances Enquiry Committee.

RELEASE OF CONVICTS

*224. **Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state the number of each class or category of prisoners released from Indian jails in pursuance of the large scale amnesty granted by Government on the occasion of the inauguration of the Republic?

The Minister of Home Affairs and the States (Sardar Patel): The information is being collected and will be laid on the Table of the House in due course.

Shri Tyagi: May I know if those prisoners who were had in exchange from Pakistan have also been released? We sent some Mohammadan prisoners and some Hindu prisoners were had in exchange from Pakistan. Were those prisoners also released on the occasion of the amnesty?

Sardar Patel: They will get the same benefit as the other prisoners under the concession rules.

Shri Kamath: Is it a fact, Sir, that the Prime Minister on his way back from Colombo to the capital, about the middle of January stated in Nagpur that a large number of political prisoners would be released in pursuance of the amnesty to be declared shortly, and if so, how many of the prisoners described as 'political prisoners' were released from jails in the Centrally Administered areas?

Sardar Patel: I am not aware of any statement made by the Prime Minister; but I can say that there are no political prisoners now in India.

Shri Kamath: How many prisoners of different categories were released from the jails in the Centrally Administered Areas?

Sardar Patel: A statement will be la'd on the Table.

Shri Deshbandhu Gupta: May I know whether it has been brought to the notice of the hon. Minister that there are certain prisoners who were convicted in Pakistan in connection with the communal riots and brought to India but they have not benefited from the amnesty as they did not technically fall under the category for which orders of release were issued? Are some of them in Delhi jail, if so, do Government intend to release them?

Sardar Patel: I have no information about them. But if the hon. Member would furnish me with details, I will make enquiries.

Shri Kamath: Were any principles or basis laid down by Government for the release of convicts? Or, in other words, what were the principles which Government took into consideration while ordering release of these prisoners?

Sardar Patel: In the general scheme of jubilation on the declaration of the Republic on the 26th of January, general releases were ordered of persons who were regarded as having suffered a long term of imprisonment and had only a short period of time to serve. The other category of prisoners to which this concession was extended were those prisoners who were convicted of crimes which were more or less of a minor nature. In certain other cases concessions were given in the form of reducing the sentences.

Shri Kamath: Did Government issue any directive that persons convicted or detained not for violence or subversive activities should be released?

Sardar Patel: It depends on the nature of the offence for which the prisoner was convicted.

INCOME TAX ON INDIANS HAVING SOURCE OF INCOME FROM INDO-CHINA

*225. **Shri Bharati:** Will the Minister of **Finance** be pleased to state:

(a) whether Government are aware that Indians having sources of income from Indo-China are asked to pay income-tax for periods during which they had not received any remittances;

(b) whether any representations were made by the Indo-China Indian Association in this regard; and

(c) the action Government propose to take in the matter?

The Minister of Finance (Dr. Matthai): (a) Persons ordinarily resident in India having sources of income in Indo-China are liable to pay Indian Income-tax on such income but instructions have been issued that if any demand arises from such sources and the income from such sources has not been brought into India, the tax due on such income would not be collected and under the proviso to section 45 of the Indian Income-tax Act, the assessees concerned would not be treated as in default.

(b) **Yes.**

(c) I lay on the Table copies of instructions issued in the matter. [*Copy placed in the Library. See No. P-53/50.*]

Shri Bharati: May I know when these instructions were issued?

Dr. Matthai: Quite recently, I believe. I shall supply the information to the hon. Member.

Shri Bharati: Is it a fact, that after the issue of these instructions, the Madras Commissioner asked certain persons in Madras to pay a tax of Rs. 30,000 on pain of attachment of property and they had to pay Rs. 10,000 under protest?

Dr. Matthai: In this particular case, does the hon. Member know that the amount involved was not actually remitted to India? If the hon. Member would give me details of that case, I am prepared to have that looked into. The instructions that are issued are definitely to the effect that no recovery is made, unless the income has been remitted to India. That is definite.

Shri Bharati: My point is that in spite of these instructions a certain person was directed to pay Rs. 30,000.

Dr. Matthai: I am asking the hon. Member to give me the details of the case. If the amount has not been remitted, it is contrary to our instructions.

Shri Gautam: Does this principle of not realising the income-tax apply only to incomes remitted from Indo-China or from Pakistan also?

Dr. Matthai: It at present applies to Burma, Malaya and other countries in that area.

Shri Gautam: Does it apply to Pakistan or not?

Dr. Matthai: No.

Shri Bharati: May I know from the hon. Minister.....

Dr. Matthai: I take it the hon. Member wants the information to be given to him not now, but outside.

Shri Bharati: May I know whether Government will consider the desirability of refunding the amount which was collected against instructions?

Dr. Matthai: The hon. Member must give me a chance of looking into the details.

Shri Gautam: Why do the Government realise income-tax from persons coming from Pakistan on incomes that they have not realised from their incomes in Pakistan?

Dr. Matthai: It does not really arise out of this question; it raises a wider issue. If the hon. Member will put down a question, I shall be prepared to answer it.

Allowances for Officer Cadets in I.M.A.

*226. **Shri Kunhiraman:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that the allowance paid to Officer Cadets while under training in the Indian Military Academy has been reduced from Rs. 240/- to Rs. 75/- in respect of Cadets who entered the Academy after 1947 and that allowances have been stopped altogether from 1949 and if so, what were the reasons for withdrawing the allowance?

(b) Is it a fact that future Cadets are to pay Rs. 60/- a month from their pockets during the two years of their training?

The Minister of Defence (Sardar Baldev Singh): (a) The allowance was reduced to Rs. 75 with effect from 1st April 1948 and has been discontinued with effect from 1st January 1950. Government provide free board, lodging, training, uniform, equipment, books, etc., to the cadets and from 1st January

1950 they are also meeting a number of other miscellaneous items of compulsory expenditure. Government do not consider that any allowance in addition is necessary.

(b) At the most the cadets will have to find Rs. 30 to Rs. 40 per month for pocket expenses.

Shri Kunhiraman: How are the Government going to accommodate deserving, but comparatively poor, candidates who cannot afford these expenses?

Sardar Baldev Singh: Provision has been made from this year for the institution of special scholarships for poor candidates who cannot afford to meet the expenditure. One of the conditions governing those scholarships is that the cadet's parents should not have an income of Rs. 300 or above.

Shri A. B. Gurung: May I know whether it is a fact that none of the sons of the Cabinet Ministers, including the Ministers of the provinces, has applied for admission to the I.M.A.?

Sardar Baldev Singh: I have not got that information. But there is nothing to prevent Ministers' sons for applying for admission to the Academy.

Shri Kesava Rao: May I know whether there is any incentive for poor boys' joining the Academy?

Sardar Baldev Singh: As I have already stated, a special provision has been made for the institution of scholarships of Rs. 30 per month, provided the income of the parents of such cadets is less than Rs. 300 a month.

Shri Tyagi: Are the poor boys allowed to be admitted? That is the question. They have to be admitted before they can get any scholarships.

Sardar Baldev Singh: Because the parents of a certain boy are poor, that does not entitle him to get automatically into the Academy. That depends upon his educational qualifications and his passing the Examination of the Service Commission.

Shri Deshbandhu Gupta: May I know whether any boys have been taken into the Academy this year who did not belong to what were formerly known as the martial classes?

Sardar Baldev Singh: No candidate has been taken into this Academy simply because he came from a martial class.

MERGER OF BUNDELKHAND STATES

*227. **Shri D. S. Seth:** (a) Will the Minister of **States** be pleased to state whether Government have taken a decision to merge the various States of Bundelkhand and Bungelkhand areas of the Vindhya Pradesh with the neighbouring provinces of Uttar Pradesh and Madhya Pradesh?

(b) If the answer to part (a) above be in the affirmative, did Government take any steps to ascertain the wishes of the inhabitants of the Vindhya Pradesh in this matter and if not, why not?

(c) Which of the States are to be merged with which province?

(d) By what time is the merger to be completed?

The Minister of Home Affairs and the States (Sardar Patel): (a) No.

(b) to (d). Do not arise.

MOVE OF NATIONAL SAVINGS COMMISSIONER'S OFFICE FROM SIMLA

*228. **Shri Dwivedi:** (a) Will the Minister of **Finance** be pleased to state whether it is proposed to move the office of the National Savings Commissioner from Simla to Bombay?

(b) How long has this office been located in Simla?

(c) Is it also proposed to move some offices from Delhi to Simla?

The Minister of Finance (Dr. Matthai): (a) Yes Sir.

(b) The Office of the National Savings Commissioner has been located in Simla ever since its inception in October, 1943.

(c) The question may be addressed to the hon. Minister of Works, Mines and Power.

NATIONAL SAVINGS CERTIFICATES

*229. **Shri Dwivedi:** Will the Minister of **Finance** be pleased to state the figures of annual sales of the National Savings Certificates since the partition?

The Minister of Finance (Dr. Matthai): A statement is laid on the Table giving the figures.

Sales and discharges

(In lakhs of Rs.)

	Sales	Discharges
1947 (15th August to December) ..	7,16	1,43
1948	23,18	7,70
1949 (January to November) ..	20,15	7,16

Shri R. K. Chaudhuri: May I know whether the sale of these National Savings Certificates has decreased or increased during this period?

Dr. Matthai: The hon. Member will find from the figures in the Statement I have furnished on the Table that it has been about steady.

Prof. Ranga: Are any advertisements put in, for instance in the newspapers published in the local languages, either dailies or weeklies about these Certificates?

Dr. Matthai: I believe so.

Shri R. K. Chaudhuri: May I know if any additional steps have now been taken to increase the sales of these National Savings Certificates?

Dr. Matthai: Yes, we are taking additional steps for the purpose of making the movement more successful. One step taken recently is this. About a year or eighteen months ago, it was decided to abolish the system of authorised agents; now we have decided to resume that system. And as a result of discussions and conferences with Provincial Finance Ministers, we are getting the State Governments to take a more direct interest in this matter.

Shri R. K. Chaudhuri: Has any particular step been taken to popularise this in the rural areas?

Dr. Matthai: That is precisely our aim. So far the proceeds have come almost entirely from urban areas. Our real problem is how to extend this system of saving to the rural areas.

Shri Bharati: Sir, may I know what are the terms and conditions on which these authorised agents are appointed?

Dr. Matthai: The appointments are made by the State Government, in consultation with the State Savings Commission. The commission which used to be taken by these authorised agents before the system was abolished was, I believe, 2½ per cent; but now under the present system that we have, it has been reduced to 1¼ per cent.

Sardar B. S. Man: Sir, may I know what steps Government have taken to popularise these National Savings Certificates amongst Members of Parliament?

Dr. Matthai: I hope these interpellations will help.

Shri Sidhva: May I know whether the agents or canvassers appointed under the previous system, whether their number has been reduced or increased?

Dr. Matthai: I am not in a position to answer that question, because the resumption of this authorised agents system has been ordered only recently, and I am not in a position to compare numbers at present.

Shri Tyagi: Is it permissible for government servants to earn commissions on account of sales of these certificates?

Dr. Matthai: I see no objection.

Prof. Ranga: Have Government given consideration to the suggestion that popular organisations like trade organisations, *Kisan Samitis*, and such other organisations should be made use of to popularise these certificates?

Dr. Matthai: It is a very useful suggestion and will certainly be considered.

Shri Bharati: Why not make the village Postmasters the authorised agents?

Dr. Matthai: As I told the hon. Member, these appointments are made by the State Governments, and I expect they will appoint people who are really suitable for the purpose.

Shri Raj Bahadur: Apart from these post offices in the rural areas, what other facilities are given to the rural people to purchase these certificates?

Dr. Matthai: I do not quite catch the hon. Member's question.

Shri Raj Bahadur: As we all know, there are restricted hours for the purchase and cashing of these certificates and rural people have to come from distant places to these post offices, and they feel great difficulty. Consequently, what steps are proposed to help them in this matter?

Dr. Matthai: I see the point. It is connected with the formalities in connection with the encashment. That is a very important matter and I am looking into it. A great deal depends upon the extent to which we can relax these formalities.

Prof. Ranga: Just as the Post Offices are entrusted with Savings Bank accounts and so on, why not entrust the Post Offices with this task also, instead of leaving it to the State Government?

Mr. Chairman: That is more a suggestion than a question.

Shri Jhunjhunwala: Is it a fact that villagers experience great difficulty in preserving the certificates, they being paper? And will Government consider the desirability of using some other material which can be easily preserved?

Dr. Matthai: That is a suggestion the hon. Member is making.

Shri Tyagi: What is the rate of interest given on the deposits and what is the rate of commission given to the sellers of these certificates?

Dr. Matthai: The return you get on these certificates varies according to the duration of the certificate. The return on a 5 years certificate is different from that of a 7 years certificate, and that again is different from a 12 years certificate. As far as I can remember, on a 12 years certificate, the return is about 4¼ per cent, speaking from memory.

Shri Bharati: Is the interest free of income-tax?

Dr. Matthai: Yes.

Research in Criminology

*220. **Shri Kamath** (on behalf of **Dr. Deshmukh**): (a) Will the Minister of **Home Affairs** be pleased to state whether any scheme has been approved for research in criminology in India?

(b) Has any institution for such research been started?

(c) If so, what is the number of persons engaged in this work?

The Minister of Home Affairs and the States (Sardar Patel): (a) No.

(b) and (c). Do not arise.

Shri Kamath: Sir, is it a fact that the Director of the Intelligence Bureau here was deputed to the United States of America last year or the year before last to study the methods of investigation of the F.B.I. there?

Sardar Patel: No.

Shri Kamath: Is it proposed to send out officers on deputation to foreign countries to study methods of criminology?

Sardar Patel: For what purpose?

Shri Kamath: To study the Science of criminology. Have Government any such plan?

Mr. Chairman: The question has already been answered in part (a) of the main question.

Shri Kamath: No, Sir, part (a) refers to research in India. My present question is whether Government propose to send out officers for such studies outside India.

Sardar Patel: No.

WRITTEN ANSWERS TO QUESTIONS

Expenditure on Control Departments in India

*211. **Shri Sidhva:** (a) Will the Minister of **Finance** be pleased to state the total cost of establishment and of other items relating to Control departments in the Ministries of Industry and Supply, Food and Works, Mines and Power and offices of these Ministries in States where they exist?

(b) What is the total number of staff?

(c) Is any economy cut imposed on these departments?

The Minister of Finance (Dr. Matthai): (a) to (c). A statement giving the required information is placed on the Table of the House. [*See Appendix I, annexure No.* 25.]

W. H. O. CHOLERA STUDY GROUP

*213. **Shri Sidhva:** (a) Will the Minister of **Health** be pleased to state whether the Cholera Study Group of the World Health Organisation has come to India for cholera research?

(b) If so, what parts of the country have they visited and have they placed their ideas before the Indian Council of Medical Research?

(c) Will the Government of India get a report of their research work, and if so, when?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes. They came to India in November last.

(b) The World Health Organisation Cholera Study Group visited Bombay, Madras, Trichinopoly, Tanjore, Calcutta and New Delhi. They also held discussions with the Indian Council of Medical Research and the Regional Office of the World Health Organisation.

(c) The report of the Study Group was due to be considered by the Executive Board of the World Health Organisation at its session in January-February, 1950. The report will be furnished to the Government of India as soon as its publication is authorised by the W.H.O.

SURVEY OF RURAL INDEBTEDNESS

*214. **Seth Govind Das:** Will the Minister of **Finance** be pleased to state whether rural indebtedness has gone down and whether it is proposed to make a survey of the subject in connection with the next census or otherwise?

The Minister of Finance (Dr. Matthai): This question will be replied to by the hon. Minister for Agriculture on a suitable date.

SUPERVISION OF BUDGETS OF RAJASTHAN AND OTHER STATES

*215. **Seth Govind Das:** Will the Minister of **States** be pleased to state:

(a) whether the budgets of Rajasthan and other States are under the direct control and supervision of the Ministry of States; and

(b) whether the development programmes of these States have been thoroughly scrutinised and approved to avoid waste and overlapping?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). As the hon. Members are aware, the Central Government has constitutional powers of direction and control and as part of that arrangement the Budgets are required to be referred to the Government of India before they are placed before the local legislature or finalised. The object of this arrangement is to ensure that the financial and economic policy of the States and their development plans are kept in line with the general policy of the Government of India.

DIVISION OF LIBRARY BOOKS IN PUNJAB

*217. **Lala Raj Kanwar:** Will the Minister of **Education** be pleased to state:

(a) the number of books and the number of manuscripts kept immediately before the partition of the country in (i) The Punjab Public Library, Lahore,

(ii) The Punjab University Library, Lahore, (iii) The Record Office of the Punjab Government, Lahore, (iv) The Library of the Oriental College, Lahore, and (v) The Dwarka Dass Library and the Servants of the Peoples' Society Library, Lahore;

(b) whether any of the books and manuscripts of the above libraries have been transferred to India or their monetary value otherwise accounted for; and

(c) if not, what steps Government propose to take to ensure an equitable division or *quid-pro-quo* of the same?

The Minister of Education (Maulana Azad): (a) to (c). The information asked for has been called for from the Government of Punjab (India) and will be laid on the Table of the House as soon as it is received.

TRANSFER OF IMPORTANT DOCUMENTS FROM PAKISTAN

***218. Lala Raj Kanwar:** (a) Will the Minister of **Education** be pleased to state whether any of the records, kept in the Punjab Government Secretariat or in the Record Office attached thereto prior to partition, especially those of historical and political interest, have been transferred to India?

(b) If not, what steps do Government propose to take to secure the records which are of interest to them, either in original or micro film copies thereof?

(c) What view do Government hold regarding the transfer of the records relating to the Moghal and the Sikh periods?

The Minister of Education (Maulana Azad): (a) The following record of historical and political interest was allocated to the Punjab Government as a result of the decision of the Punjab Partition Committee and the award of the Arbitral Tribunal:

(i) *The District Records.*—These consist of about 21,000 original files (*misalat*) relating to the district of Karnal, Ambala and Simla.

(ii) The entire set of 132 rolls of the Khalsa Darbar Records consisting of about a quarter million loose sheets tied together into bundles of various sizes.

(iii) Files relating to the work of the Punjab Regional Committee for the survey of historical records.

(iv) Half share of Library books, picture paintings, original documents, prints, lithographs, weapons and seals. These comprise over one hundred rare objects besides about five hundred important and out of print publications.

The material detailed in items (i), (ii) and (iii) has been transferred to the Historical Record Office, Simla. The Library books, old weapons and exhibits mentioned in item (iv) are yet to be physically partitioned and brought from Lahore.

(b) There is a voluminous correspondence in English in the Record Office at Lahore which has fallen to the share of the Pakistan Government (West Punjab). The question of obtaining copies thereof from the India Office Library at London and National Archives at Delhi is already under consideration of the Punjab Government.

(c) As I have already stated in reply to part (a) of the question records pertaining to the Sikh period have already been transferred to the Punjab (India) Government. The State Government also propose to secure copies of the important documents relating to the Moghal period.

NATIONAL CADET CORPS (WOMEN'S DIVISION)

20. Pandit M. B. Bhargava: (a) Will the Minister of **Defence** be pleased to state what is the total strength of the Women's Senior and Junior Divisions of the National Cadet Corps in all the Institutions of the Indian Union?

(b) What is the amount spent by the Government so far on the Women's Division, both recurring and non-recurring?

(c) When was the National Cadet Corps started in the State of Ajmer?

The Minister of Defence (Sardar Baldev Singh): (a) I lay a statement on the Table of the House.

(b) Recurring: Rs. 23,000 } approx.
Non-recurring: Rs. 69,000 }

(c) 15th July 1948.

Statement

Senior Division	22,004
Junior Division	36,376
Girls Division	279
TOTAL	58,719

REVISION OF SYLLABUS FOR MEDICAL GROUP STUDENTS IN DELHI SCHOOLS

22. Shri D. S. Seth: Will the Minister of **Education** be pleased to state:

(a) whether Higher Mathematics has been prescribed as a subject for the Medical Group of the Higher Secondary Classes in Delhi;

(b) whether the question of revising the syllabus of the Medical Group students referred to in part (a) above is under the consideration of the Delhi Board; and

(c) if so, since when and what delays a decision being taken in the matter?

The Minister of Education (Maulana Azad): (a) Yes, Sir.

(b) Yes, Sir.

(c) The matter was referred to the Board in November, 1949. Changes in the syllabus of studies prescribed by the Board of Higher Secondary Education, Delhi have to be considered first by the Committee of Courses, and then the Curriculum Committee of the Board before they are considered by the Board itself. The next meeting of the Board of Higher Secondary Education, Delhi is scheduled to take place in May, 1950 when it will consider the recommendations of the Committee of Courses and the Curriculum Committee in the matter and arrive at a final decision.

PURCHASE OF MILITARY STORES

23. Shri Sidhva: (a) Will the Minister of **Defence** be pleased to state through what agency all stores required for Defence are purchased?

(b) What was the total amount spent on stores purchased during the years 1947, 1948 and 1949 each year separately?

(c) What was the amount for eatables, clothings, and other stores?

(d) Are tenders or quotations invited for purchase of various articles?

The Minister of Defence (Sardar Baldev Singh): (a) Arrangements for the purchase of Military stores obtainable only from the British War Office, Admiralty etc. are made by the High Commissioner for India in the U.K. Orders for all other stores which have to be purchased are placed on the

Director-General, Industry and Supply. Where the required stores are not available from indigenous sources the Director General, Industry and Supply, arranges to obtain them from abroad.

(b) and (c). It will not be in the public interest to disclose such detailed information.

(d) Tenders are invited by the various purchasing agencies before purchases are made.

Recommendation of Economy Committee

25. Shri Sidhva: Will the Minister of **Finance** be pleased to state whether the recommendation of the Economy Committee mentioned in page 29 of its report that all kinds of houses, whether for displaced persons or Government employees or for private purposes, will be transferred to a single Ministry of Works, Mines and Power has been considered and if so, with what result and if not, why not?

The Minister of Finance (Dr. Matthai): The whole matter is under consideration of the Government along with the general question of reorganizing the machinery of Government.

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1950

(28th January, 1950 to 23rd February, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950

22-12-94
12-5-83

CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950;—

In Volume I,—

1. No. 1, dated the 28th January, 1950,—
   (i) Page (i) Col. 1, *after* line 4 *insert* "Ahammedunni, Shri V.C. (Travancore-Cochin".
   (ii) Page (ii), Col. 2, line 27 *for* "Rafi Ahmed, Shri "*read* "Shri Rafi Ahmed".
   (iii) Page (iv), Col. 2, *delete* line 20.

2. No. 2, dated the 31st January, 1950,—
   पृष्ठ १८, आठवीं पंक्ति के आदि में "न्त" के स्थान पर "अन्त" पढ़ें ।

3. No. 3, dated the 1st February, 1950,—
   (i) Page 32, line 13 *for* "ule" *read* "rule".
   (ii) पृष्ठ ७६, पंक्ति १८ में "पच्चास" के स्थान पर "पच्चीस" पढ़ें ।

4. No. 4, dated the 2nd February, 1950,—
   (i) Page 103, line 3 *add* "it" *before* "*is*".
   (ii) पृष्ठ १०३, नीचे से दूसरी पंक्ति के अन्त में "जी" के स्थान पर "जीता" पढ़ें ।
   (iii) पृष्ठ १०७, के अन्त मै "आज हमको" के आगे "यह देखना होगा कि जो चीजें ह मने अपने विधान में रखी हैं उनको मुल्क के काम में लाया जाय । मैं अर्ज करना चाहता हूं कि अब जमाना बदल गया है" जोड़े ।
   (iv) Page 110, line 5 from bottom *for* "humiled" *read* "bundled".

5. No. 5, dated the 3rd February, 1950,—
   (i) पृष्ठ १८२, दूसरी पंक्ति में "इालको" के स्थान पर "इलाकों" पढ़ें ।
   (ii) Page 186, line 17 from bottom *for* "debator" *read* "debtor".
   (iii) Page 188, line 18 *for* "unformity" *read* "uniformity".

6. No. 6 dated the 6th February, 1950,—
   (i) Page 204, line 20 from bottom *for* "were" *read* "are".
   (ii) Page 212, line 12 from bottom *for* "of" *read* "the".
   (iii) Page 224, line 13 *for* "from" *read* "form".
   (iv) Page 232, line 20 from bottom *for* "happens to be the Chairman and whether he could be expected" *read* " will act as its President; he is an I. C. S. man and is, admittedly,".

7. No. 8, dated the 8th February, 1950,—
   Page 315, line 19 *for* "refugee" *read* " refuge".

8. No. 9. dated the 9th February, 1950,—
   (i) Page 369, line 24 *for* "are" *read* "am".
   (ii) Page 371, *for* line 18 *read* "giving me credit for having done something which should really go to the".
   (iii) Page 389, line 2 from bottom *for* "khakad" *read* "khahad".

9. No. 10, dated the 10th February, 1950,—
   (i) Page 415, line 2 from bottom *for* "detrimetal" *read* "detrimental".
   (ii) Page 420, line 10 from bottom *for* "is" *read* "in".
   (iii) Page 431, line 3 from bottom *for* "L" *read* "5".
   (iv) Page 433, line 16 *for* "Trat" *read* "that".

10. No. 11, dated the 13th February, 1950,—
   (i) Page 454, line 25 from bottom *after* "was" *insert* "as".
   (ii) Page 463, line 21 from bottom *for* "re-assembled" *read* "then adjourned for".

11. No. 12, dated the 14th February, 1950,—
Page 498, line 8 from bottom *for* "strach" *read* "starch".

12. No. 14, dated the 17th February, 1950,—
(i) Page 591, line 6 *for* "atmosphede" *read* "atmosphere".
(ii) Page 604, line 4 *for* "inperils" *read* "imperils" and in line 6 *for* "calus" *read* "Salus".
(iii) पृष्ठ ६०८, पंक्ति ५ में "अम्मा" के स्थान पर "आमा" पढ़ें।
(iv) पृष्ठ ६०८, पंक्ति १२ में "तकरीर" के स्थान पर "जो तकरीर" पढ़ें।
(v) पृष्ठ ६१०, नीचे से पंक्ति ५ में "दस" के पश्चात् "दस" समाविष्ट करें।
(vi) पृष्ठ ६१४, नीचे से दूसरी पंक्ति में "तरह" के पश्चात् "से" समाविष्ट करें और "बंगाल" के पश्चात् "से" हटा दें।
(vii) Page 616, line 12 from bottom *for* "then" *read* "their".
(viii) पृष्ठ ६२५, पंक्ति १५ के अन्त में 'यह' को हटा दें और १६ के आदि में "काम" के स्थान पर "महकमा" पढ़ें।
(ix) Page 637, *omit* "last line".

13. No. 15. dated the 20th February, 1950,—
(i) Page 659, line 12 *for* "acpital" *read* "Capital".
(ii) Page 662, line 21 from bottom *for* "of the" *read* "in the".

14. No. 17. dated the 22nd February, 1950,—
(i) Page 708. line 15 from bottom *for* "States" *read* "State".
(ii) Page 723, line 21 *omit* "It is" *before* "*Jowan*".

15. No. 18. dated the 23rd February, 1950,—
(i) Page 751, line 13 from bottom *for* "Begal" *read* "Bengal".
(ii) Page 758, line 24 from bottom *for* "turbulation on accuont " *read* "tribulation on account".
(iii) पृष्ठ ७६०, नीचे से पंक्ति १८ के अन्त में "तो है मैं" के स्थान पर "हैं में तो" पढ़ें।
(iv) पृष्ठ ७७६, नीचे से पंक्ति ७ में "हा" को "कहा" पढ़ें।
(v) Page 783, line 2 *for* "a" *read* "as".
(vi) Page 798, line 2 *for* "coutry" *read* "country".
(vii) Page 800, line 9 from bottom *for* "33 percent" *read* "33⅓ percent".
(viii) Page 801, line 6 *for* "ward" *read* "award".

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PARLIAMENTARY DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)
Monday, 13th February, 1950

The House met at a Quarter to Eleven of the Clock

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

QUESTIONS AND ANSWERS.

(See Part I)

11-30 A.M.

UNDESIRABLE IMMIGRANTS (EXPULSION FROM ASSAM) BILL.—*contd.*

Mr. Chairman: Now we proceed to the further consideration of the motion moved by the hon. Shri N. Gopalaswami Ayyangar:

"That the Bill to provide for the expulsion of certain immigrants from Assam, as amended, be passed."

Pandit Balkrishna Sharma.

Shri R. K. Chaudhuri (Assam): Sir, with your permission, I wish to make a motion.

Pandit Balkrishna Sharma (Uttar Pradesh): But I am in possession of the House.

Shri R. K. Chaudhuri: Without prejudice to the right of the hon. Member to speak, I want to move:

"That the Bill to provide for the expulsion of certain immigrants from Assam, as amended, be not passed now."

Sir, I wish to.....

Mr. Chairman: But this is practically a negative motion. If the hon. Member is so minded, he can oppose the third reading.

Shri R. K. Chaudhuri: Sir, I will explain my position. This is a procedure that is in vogue in the British House of Commons, and

The Minister of State for Transport and Railways (Shri Santhanam): Sir, on a point of order. No motion can be moved without proper notice and without permission of the Chair.

Shri R. K. Chaudhuri: My motion is an amendment to the motion already moved. Let there be no interruptions, I will explain the position.

The Minister of Transport and Railways (Shri Gopalaswami): Sir, all amendments have been disposed of. We are at the third reading.

Shri R. K. Chaudhuri: Why do you judge before hearing me? "Hear before you strike", that should be our motto. What I am trying to show is this. I am trying to initiate or to imitate the procedure which is already followed in the British House of Commons.

When the third reading is proposed, when a motion for passing a Bill is proposed, there are three courses open to the Members of the House: one is to oppose the motion outright; the second is to propose that the

[Shri R. K. Chaudhuri]

consideration of the motion be taken three months or six months later and the third is to move that the Bill be not considered now. If the opposition is successful, the Bill can at the third reading stage be thrown out. If the motion for taking the third reading of the Bill six months later is passed, that will practically mean the rejection of the Bill. The motion I am now proposing does not mean complete rejection of the Bill. My motion only means that the Bill should not be passed now, but that the matter may be brought up again after conditions have changed or some months later or even during the course of this same session. I propose this procedure in order that we may have further negotiation in this matter with the hon. Minister in charge. We may be enabled to place before him certain facts which will show that the passing of the Bill will be meaningless and that after further consideration and consultation with the Government of the Province for whose interest this Bill is intended the next step may be taken. A different course may be taken by the hon. Minister himself after negotiation with the hon. Members of the House and with no less a person than the.....

Shri Gopalaswami: May I interrupt the hon. Member, Sir? After all a point of order has been raised. I ask you to give a ruling whether the hon. Member can make a speech before you have decided whether the motion is in order or not.

Shri Bharati (Madras): He is only talking about his point of order.

Mr. Chairman: The hon. Member is explaining how he wants to put his motion. It has not been admitted. He is allowed to say whether this is justified or not. Apparently the motion is not in time. It has not been properly given. At the same time, so far as our procedure is concerned, it does not contemplate any motion of this nature. I will therefore call upon Pandit Balkrishna Sharma to resume his speech.

Shri R. K. Chaudhuri: I could not finish what I wanted to say.

Mr. Chairman: The House is proceeding with the consideration of the motion that the Bill as amended be passed. Since it has been ruled that the motion of the hon. Member is not in time nor in order, there is no need for any further explanation.

Shri R. K. Chaudhuri: If you reject the motion on the ground that it is not in time I have nothing to say at this stage, but if you reject it on the ground that this kind of procedure is not permissible, we shall not bring in a similar motion hereafter. If you disallow it on the ground that there has been delay in bringing it up, it will be open to Members in future to adopt this procedure.

Mr. Chairman: As regards the future procedure, I have not given any ruling. I have only given my ruling in regard to this motion.

I call upon Pandit Balkrishna Sharma to resume his speech.

Pandit Balkrishna Sharma: On Friday, when I was in the midst of my speech, a point was raised whether any mention of the plight of refugees from Pakistan to Assam would be in order. Your predecessor was pleased to rule that, so far as the plight of the refugees in future is concerned, and in so far as the refugees will be affected by a passing of this motion, it will be perfectly in order; but that any reference to the plight of the refugees in the past will not be in order. By submission in regard to this point is that in this legislation we have provided that this Bill when passed into law will not apply to any person who, on account of civil disturbances or fear of disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam. This naturally takes into account the question of those who have come from

Pakistan. My submission is that as the House has been pleased to accept this proviso for excluding from its application the refugees who have come from Pakistan, the reference to their condition in the past also may not be considered to be out of order. I therefore with your permission touch upon the condition of the refugees in Assam and the plight that they have been in for a long time.

Sir, long before now it has been brought to our notice that the condition of the refugees in Badarpur—about 120 families numbering 600 refugees—where they have found shelter has been miserable. The question is that we are passing this legislation in order to enable the Government of India as also the Government of Assam to tackle the problem of those intruders who are flocking to the borders of our north-eastern province. It is natural therefore that we should not forget the situation in so far as it can affect the refugees as apart from the intruders. Somehow or other the Assam Government would not give all the facilities to the refugees coming from Pakistan. Many things were in the air and it was said that the Assam Government did not appear to be very keen on taking up questions concerned with the refugees coming into that State. Day in and day out we are hearing the stories of people belonging to one particular religion being squeezed out of Pakistan. The situation today is very tense, and to me it appears that it is almost explosive. We have seen what has been happening in East Bengal. As a result of that we have also seen what reactions it has produced in the city of Calcutta and when we take into consideration the totality of circumstances, it will not be an exaggeration to say that we—that is Pakistan and India both—are sitting on the top of a volcano. I think that many Members of the House will appreciate the situation. It appears to me, Sir, that the situation is very explosive and if only we try to place our ears on the ground, we can hear the rumblings beneath the surface of the earth. Under these circumstances it will not be out of place if I sound a note of warning to our neighbour, Pakistan. I say, Brother, do not indulge always in singing the hymn of hate; do not always indulge in sabre-rattling; do not, pray, develop a hysterical attitude; do not always ride a high horse, keep your nationals in check; do not instigate them to play with fire. One example will be enough to impress upon this House, Sir, the sort of propaganda that is being carried on day in and day out in the territory of Eastern Pakistan. Ordinary children of the school-going age are instilled with the virus of communalism. Questions are put to the children: "Who was *kafir* Nand Kumar? What do you know about that *kafir*?" This is the way they are educating their young ones. Where will they come to? Whether Nand Kumar was a *kafir* or whether Aurangzeb was a damnable bigot, it is not in that spirit that the children of a nation should be brought up. It is not in this spirit that the education should be imparted to them.

Mr. Chairman: I would like to remind the hon. Member that we are now considering a Bill about immigrants and the matter that he has just touched upon is not even remotely relevant to the subject of the present Bill.

Shri Bharati: More so, as this is the third reading stage.

Mr. Chairman: Therefore I would ask the hon. Member to be relevant to the Bill.

Pandit Balkrishna Sharma: The relevancy of these observations lies in the very Bill itself. We should not have taken into consideration this Bill, if a regular attempt were not made by our neighbour, Pakistan, to influence our economy and to squeeze out our nationals, to squeeze out all those people who do not belong to the religion that is professed by the majority there. It is in this sense that my observations become relevant. However, if it is your pleasure to rule it out, I will not say anything about it. So far as this Bill itself is concerned, when my friend, Shri Rohini Kumar Chaudhuri, placed the

[Pandit Balkrishna Sharma]

proposition before this House that instead of passing it just now, we should take some time and that we may postpone this consideration or this passing to a future date, I think to a certain extent he was right, because after all by passing this Bill into law.....

Mr. Chairman: May I remind the hon. Member that that motion has been ruled out.

Pandit Balkrishna Sharma: You have ruled it out, but I think that if I say something about the merits of this very Bill, I do not think I will be out of order, and it is on the merits of this Bill that I wanted to mention the motion of Shri Chaudhuri, even though you have been pleased to rule it out of order. I think that even if we pass this Bill into law, it will not be quite effective for the very simple reason that we have not under this Bill taken any power to make it applicable *en masse*. After all, even though we have mentioned in it certain classes of persons, yet those classes of persons also, in my opinion, will have to be tackled individually, and as the provisions of this Bill do not entitle us to take action *en masse*, it will not be possible for us, Sir, to expel all these five lakhs of people who have come here and settled down on land. Let not my friends from Assam be under any delusion about this. These five lakhs of people who have come here, by their stay in this country for some time, have become part and parcel of the economy of the province, and it will not be possible for you, or for anybody, to disturb that economy, and because that consideration is there, I think it would have been better if we had for some time postponed the passing of this Bill into law. As was pointed out during the general discussion on this Bill, that an Ordinance, more or less on the same lines, has been in operation for the last one month and more, and when a question was put as to how many people were expelled from Assam as a result of the operation of that Ordinance, the answer was that not one person was made to quit. If that has been the fate of the Ordinance, I do not think, Sir, any other fate awaits this legislation itself. All the same, there is a proverb: If you have not got a maternal uncle, it is better that you have at least an one-eyed maternal uncle. After all, a maternal uncle will be there, even though he is an one-eyed maternal uncle. Anyway, it is in that spirit that I support this legislation.

Shri Biswanath Das (Orissa): Sir, we have given our whole-hearted support to this Bill to be passed into law in the hope that the Government would very soon wake up to its responsibilities, be firm and take action in a way that no intruder, no undesirable immigrant from Pakistan, would be allowed to live in the soil of Assam longer than need.

I think I am hoping too much. As the previous speaker said so many weeks have passed since the passing of the Ordinance and yet little action has been taken to warrant the hope that I cherish, be it silly or otherwise. The method of negotiation may be fruitful in other cases but our experience shows that negotiations with Pakistan have always been a failure. What is the outcome of all these conferences with Pakistan? If you see the records you will find all friendliness, fellowship and goodwill showered in abundance. But when it comes to implementation, not one agreement is attempted to be implemented honestly or in full by Pakistan. That has been our bitter experience all along in all our conferences. Need I say in this connection that Pakistan has been clever enough to see which side of the bread is buttered and in this policy she has been a gainer all through? In all our transactions, discussions and conferences they have gained something and we have lost something. My hon. friend Shri Gopalaswami Ayyangar is a man of action and honesty of purpose. But with people who have a different outlook and ideas of honesty one has to be more careful, especially on a question like this.

I have said before that the eyes of the present leaders of Pakistan are on the province of Assam. With the experience and history behind us, Government of India have to be more careful in putting into operation the provisions of this Bill.

While we have been discussing this Bill, newspapers have been giving us very sad tales of serious disturbances in East Bengal. I do not know how far they are true. Our private information is still more disconcerting. I will not state before the House all the private information I have received but I might say that that is enough to show that the situation there is serious. If Hindus, Sikhs and Christians—in short, non-Muslims of Pakistan—have no place in Pakistan, although they are Pakistan nationals, would it be fair to allow non-nationals of India and Pakistan nationals to come into the soil of India and stay as citizens? That would be unthinkable.

Two days ago we were called upon to give our approval to the appointment of customs officials and officers to check passports between East Bengal and India. What is the need of appointing these officials if any immigrant from East Pakistan can come over at his own will and pleasure across the border and stay in India? We have 34 crores of people to take care of and why do you add another five lakhs? No State in the world would allow one single non-national without a permit of the State to come and settle. The relation between the citizen and the State in Pakistan is going to be the relationship of the bull and the calf. The bull produces the calf and neither has anything to do with the other.....

12 NOON

Shri R. K. Chaudhuri: Is it the cow or the bull which produces the calf?

Shri Biswanath Das: We shall say that both the bull and the cow produce the calf. That seems to be the relation between the citizen and the State in Pakistan. I do not want the Congress Government to be the protector and guardian of all unfortunate, thrown off and uncalled for people. I would appeal to my hon. friend to be stiff. All these discussions on the floor of this House are not so much against the provisions of the Bill but against the conciliatory attitude of the Government of India in a matter like this, where no conciliation ought to be shown. Unwanted people who have crossed the border and come over have to be physically thrown out. That is the law, both national and international. I ask my hon. friend to implement the very law with which he has come before the House and see that all these five lakhs of people are thrown out of India.

One word more and I have done. I would appeal to him to keep this House informed from time to time as to the results of their action. We are not worried about action: we are anxious about the results. We have enough troubles of our own and we do not want their troubles and miseries. We do not want to think about the Pakistanis for we have much to think about ourselves. With these I support the Bill. Let me hope that action will flow soon and that the provisions of the Bill will be put into operation with the anxiety with which the legislation has been brought forward.

Shri R. K. Chaudhuri: Sir, on the first day when the Bill was taken up my hon. friend Mr. Buragohain pointed out to the House that the Bill had not gone far enough to meet the needs of the situation. I welcomed the Bill because I thought that the Government of India was after all serious in tackling the problem. But the result we had achieved after two days' discussion is so disappointing indeed that I can tell the House, without the least compunction, that the passing of this Bill would not make any difference in ameliorating the conditions which obtain in the Province of Assam. I had pointed out, and my hon. friend Mr. Buragohain had also pointed out, that the class of

[Shri R. K. Chaudhuri]

people whom this Bill is going to deal with do not much fear criminal prosecution. What they prize is the possession and the occupation of the land. A definite proposal was made before the House that those who harbour the offenders should be deprived of their property. As that proposal has been negatived it is not possible for this House now to go back to that proposal again. But the desired effect can be produced by three ways. One is as a result of negotiation with the hon. Minister by which he might be persuaded to agree to accept that amendment. I would appeal to him even now to cast off his care and concern about his personal reputation. He had said in reply to that amendment that he was not prepared to "stake his reputation" by accepting that amendment. May I submit, Sir, that the reputation of an individual Minister is not more valuable than the safety and security of the people of a particular Province? And it is wrong to suppose that it is only the Province of Assam which is concerned in this problem. I think this Bill is meant to be a measure of protection for the whole of India. The House will remember that if in 1944 the I. N. A. forces had not been resisted by the Assam Regiment, history would have been different today, because once the I.N.A. forces had crossed the Assam border the rest of India would have been in their hands. Whether that would have been proper or not is a different question altogether. But in the protection of the border of Assam lies the protection and safety of the whole of India. I hope hon. Members of this House will consider the whole problem in that perspective. Some of my hon. friends have also been indulging in a sort of theory that Assam is very weak and that the Assamese people are allowing Pakistanis to come into that Province. May I remind the House that the people of Assam are not weak at all? It is the only province in the whole of India which was able to repulse the invasion of the Moghuls thirteen times. May I also remind the House that Assam had not been conquered by the British at all?

Shri Kamath (Madhya Pradesh): Because it is Kamrup.

Shri R. K. Chaudhuri: Assam or Kamrup, and it was a result of a Treaty, the Treaty of Yendabu, by which the Burmese, who had no suzerainty over Assam, had made over Assam to the British. I had to enter into this digression in order to show that it was not due to any "cowardice" on the part of the people of Assam that Pakistanis have been able to enter that Province. It is due to the staying hands of hon. Ministers—including persons like the hon. Minister in charge of the Bill and the Government of India—that this immigration has been made possible. For, two years ago the Assam Government asked for authority to issue permits so that they could issue permits to proper persons and refuse to do so in the case of others. But that proposal was not accepted by the Government of India. The result is that within these two years five lakhs of Pakistani people have been enabled to come into that Province.

Sir, there is still time to prevent the mischief. This Bill, as has been pointed out by my hon. friend Shri Jaspat Roy Kapoor, is only a standing invitation to the immigrants who had thought that very drastic measures would be taken by the Government of India to prevent their entry and who would be quite happy after the passage of this Bill when they will find that no drastic measure has been taken by the Government of India to stop their coming. In fact the hon. Minister boasts that he is not going "to spoil his reputation" by taking drastic measures. But what is needed in circumstances like these is a drastic measure and not a mild measure, and the Government of India should not try to enhance their reputation for moderation or fairness and things like that by having a Bill of this sort to deal with the Pakistani immigrants. That is a dangerous game. The question is very simple. Do you want the Pakistani immigrants to go out of the Province or do you not? Do you just want to have

an eye-wash for the Indian people and tell them that you are doing something to prevent the Pakistanis from coming in? If you are really serious in your intention to prevent the Pakistani people from coming into Assam, this is not the effective weapon for that purpose.

The House has already rejected the motion for forfeiture of property. I do not wish to quarrel with that now. But the door is still open for making amends for that mistake, and it is this. You can empower by this legislation that the leases which are granted by the Government of Assam for lands on which the prospective harbourers are living, will be cancelled. Such leases can be very easily cancelled. There is nothing of a drastic character in such cancellation. Even now it is sometimes done for unauthorised sale of land and things of that kind. That provision can be introduced even now. It may be said that such an amendment can not be allowed at this stage. May I respectfully submit that an amendment at the time of third reading is.....

Shri Gopalaswami: There is one question I should like to ask the hon. Member. Is it his suggestion that leases which were granted by the Government of Assam should be cancelled by legislation at the Centre? May I ask why the Assam Government itself, with the support of its own Legislature, does not take that action?

Shri R. K. Chaudhuri: The local Legislature could have passed such a legislation themselves. But.....

Sardar R. S. Man (Punjab): But it was a weak Ministry.

Shri R. K. Chaudhuri: No. But as it related to External or Foreign Affairs they thought they were not competent to deal with a measure like this.

Shri Gopalaswami: I thought the hon. Member was referring to the leases *within* the State of Assam.

Shri R. K. Chaudhuri: Yes, they have laws whereby the leases can be cancelled for certain reasons relating to the use of the land itself. Particularly for breach thereof. But now that the Central Government has taken upon itself the task of punishing the harbourers of these immigrants, all punishments which can be inflicted on them are to be contained in this law. This law must provide for all sorts of punishments which can be inflicted on those people. Now, if the Provincial Government wants to punish those harbourers with loss of land for offences committed under this enactment, it will be quite *ultra vires*. This law must provide for all kinds of punishment which can be inflicted for offences committed under this law.

As we have already decided that we should not punish the harbourers by forfeiture of property, I suggest an alternative method. "Forfeiture of property" means forfeiture of all kinds of property—properties of land, money and all other properties. But I am suggesting to this House quite a different punishment, namely, that the forfeiture be confined only to the cancellation of the lease of the land granted by Government on which the harbourers of these people are living. That can be done very simply. My hon. friend, the Minister, can do it even now if he does not object to it because it is nothing new. Cancellation of leases is still going on for different reasons, reasons relating to questions of land. As such this provision can now be introduced. I submit that such an amendment can be inserted at all stages of the Bill, even at the third reading stage because there is no time-limit prescribed for the moving of an amendment. And if that amendment is moved by my friend and is accepted by the House then it would go into the Bill as a very desirable provision. On the other hand, if the Bill is passed now without this amendment, at a future date, within this session, the hon. Minister can come forward with this amendment. Will he do so?

[Shri R. K. Chaudhuri]

This provision is essential not only for the security of Assam but of India as a whole. There are three ways in which he can do the needful. He can accept this amendment now, or he can commit this Bill to a Committee even at this stage, or finally he can give an assurance to this House that after this Bill is passed he will come forward with an amending Bill. Even if he himself does not agree to bring forward such an amendment later, any of the non-official Members can do it, and he may accept it. If he will give us an assurance on that we shall very gladly pass this Bill now in the hope that the hon. Minister will bring forward an amending Bill in due course. He may also in the mean time consult the Government of Assam. Only about a week ago, the Premier of Assam sounded a note of warning to those harbourers and said that those who harbour these immigrants will be very severely dealt with. But, Sir, what kind of a severe dealing can he give them? He will prosecute them under this law which will take six months or a year and after the decision there will be the High Court and the Sessions Court which will take another six months before anything can be done to the man concerned. But the Premier of Assam anticipated that a provision of forfeiture of property will be inserted herein whereby he can deal with the harbourers with a strong hand. Therefore, I suggest that the hon. Minister should consult the Government of Assam in this matter and if they convince the hon. Minister that a half-way measure would not meet the needs of the situation, then the hon. Minister may bring forward an amending Bill within the course of this session. That will give satisfaction to everybody, to everybody who is interested in defending India against Pakistan. Everybody who is interested in that will be very thankful to the hon. Minister if he will kindly accept this suggestion.

Shri Himatsingka (West Bengal): Sir, I wish the Bill had gone a little further and had made provision as was suggested in the House. Those who are acquainted with Assam know how difficult it has been in the past and how difficult it will be in future to expel one single immigrant unless certain further powers are provided for. In the past, when the Government passed orders to expel unauthorised persons who "squatted" on forest reserves and grazing reserves, such persons simply moved into some private house at the sight of the police and when the police and other authorities moved back they would again go and take possession of the same land. I am afraid the same story will be repeated and unless the Government of India takes very strong measures and enables the Government of Assam also to take similar measures, this Bill will remain more or less a dead letter.

The position of Assam is a peculiar one. At the time of partition, Government gave option to officers to opt for one Dominion or the other. In most of the Provinces people belonging to a particular religion opted for Pakistan, but a large number of officers who belonged to and were nationals of Pakistan, did not opt for Pakistan and they still continue in Assam. That is another problem which has got to be tackled. It will be necessary for the Government of India to depute certain special officers from outside with instructions to take such steps that this Bill may become really effective and may serve the purpose for which this law is being enacted. Therefore, I would also ask my friends from Assam to wait and see whether the result of certain actions that might be taken in pursuance of this Bill be not effective. If they are not, then it will be absolutely necessary for the Government of India to amend the measure by adding such other provisions as may be necessary in the light of the experience that they might gain after taking action under this measure. With these remarks, I support the Bill to the extent that it goes. I would wish that the Government of India would take steps to improve it if necessary.

The minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Babu Ramnarayan Singh (Bihar): Sir, I got up several times to speak. The Bill is important and there must not be so great a hurry.

Mr. Chairman: But let me first put the closure motion. The question is:

"That the question be now put."

The motion was negatived.

Babu Ramnarayan Singh *rose—*

Shri Gopalaswami: Sir, perhaps it might cut short discussion if I explain the position of Government in this matter at this stage. If you will permit me to do so, I shall explain the position.

Mr. Chairman: Certainly.

Babu Ramnarayan Singh: But, Sir, I have been on my legs before the closure motion.

Mr. Chairman: It is just possible that after the position has been explained, the hon. Member may feel that he need not speak at all.

Shri Gopalaswami: The main issue that has been pressed upon me in the course of this debate is my non-acceptance of the amendment which tries to insert in the clause about penalties, the punishment of forfeiture of property. I had not investigated the matter before I gave an answer, but my instinct told me that under no circumstances should I accept it. But after having heard the speechs of the Members who spoke on Friday last, I have tried to make some investigation into this question and I should like to place before this House the results of that investigation. I may at once say that that investigation has only fortified me in the position that I took on Friday. I said on Friday that the Indian Penal Code reserved this punishment of forfeiture of property for some very heinous offences only, amongst them the offence of waging war against the King, and when I said that there was a considerable amount of interruption from hon. Members and I had to say something in reply. Finally I wound up on Friday by saying that if I had any little reputation still left for reasonableness, my acceptance of that amendment would make me lose even that little.

Now, Sir, the result of my investigation has only established the fact that if I did accept that amendment, it would ruin my reputation as a person who understands the principles on which punishments should be regulated for offences that are created by law. I wish to point out that as the Indian Penal Code stood till about twenty-eight years ago, the punishment of forfeiture of property was prescribed for a number of offences and in several cases, that punishment was even compulsory. But in 1921, the Central Legislature of this country enacted a law which removed this blot from our Statute Book. That was Act XVI of 1921.

Shri R. K. Chaudhuri: On a point of information, in laws against black marketing, in laws against excise offences, the property—motor cars, buses, vehicles, etc.—in which these contraband articles are carried and the contraband articles are forfeited. That is forfeiture of property. It is already provided for such offences, and the Indian Penal Code which was enacted in 1860 is not the final word in the matter.

Shri Gopalaswami : No, I am afraid my hon. friend has thoroughly misunderstood the point that I wished to make. My point is that the Indian

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Penal Code of 1860 was rather in his favour than in mine, but the wisdom of the Legislature of this country improved the provisions of that Penal Code and brought it into line with modern notions about inflicting forfeiture of property as a punishment. If he will wait to hear what I wish to say, he will see my point.

Shri R. K. Chaudhuri: I will have to wait till Doomsday.

Shri Gopalaswami: In the Indian Penal Code of 1860, to which my hon. friend referred, forfeiture of property was provided by sections 61 and 62 for a number of offences, in some of which it was a compulsory form of punishment. Those two sections were deleted from the Indian Penal Code by Act XVI of 1921. I was rather inaccurate when I said that the punishment of forfeiture of property had been provided in the I.P.C. for waging war against the King. That was so in the old superseded section of the I.P.C. of 1860, but this Act XVI of 1921 says in sections 121 and 122—both relate to waging war against the King, insurrections, preparing for insurrections and so forth—that for the words "and shall forfeit all his property", the words "and shall also be liable to fine" shall be substituted, so that what was provided for as a punishment for waging war against the King in the shape of forfeiture of property was taken out of our I.P.C. and merely a compulsory punishment of fine was substituted in addition to imprisonment.

Shri Sondhi (Punjab): That was the old British Government.

Shri R. K. Chaudhuri: What about the Defence of India Act? Is not provision for forfeiture there?

Shri Gopalaswami: I shall come to that, if necessary.

Shri J. R. Kapoor (Uttar Pradesh): That is an inconvenient question.

Shri Gopalaswami: In this connection, when this Act XVI of 1921 was introduced as a Bill—and that Bill did not abolish forfeiture of property as a punishment altogether, but only gave the courts the option to inflict it in a number of cases—the representatives of the people in the Legislature of this country took the very strongest exception to that option being given. They wanted the thing to be deleted altogether. For instance, the late Mr. T. Rangachari....

Shri Sondhi: That was in 1921.

Shri Gopalaswami: It was in 1921, but we have not become more bloodthirsty in 1950.

Shri Tyagi (Uttar Pradesh): The Government was alien then; we are now free.

Shri Raj Bahadur (Rajasthan): On a point of information, may I point out respectfully to the hon. Minister that that concession was in favour of the citizens of India and not in favour of the citizens of a foreign State who invaded India?

Shri Gopalaswami: I only wish to point out to the last speaker that the punishment which the proviso that was moved by you, Sir, when you were speaking in the House, sought to provide was the insertion of a punishment for 'harbourers' of people who had migrated into Assam, not for the immigrants themselves, so that it related to people here.

Shri Raj Bahadur: On a point of information, again, we have been told by the hon. Minister the other day that under the Evacuee Property Ordinance

punishment has been provided regarding forfeiture of property in the case of those persons whose sympathies are found to be in favour of Pakistan. So, is not the case of these 'harbourers' on par with those people?

Shri Gopalaswami: If the hon. Member will wait and listen to me, perhaps my speech will cover all those points.

Now, I have pointed out that the late Mr.T. Rangachari, who was Deputy President of the House in his day, objected to this. While he welcomed the measure, he wanted it improved in the direction of the deletion of this punishment altogether. But let us leave Mr. Rangachari alone. I will quote to you a few words of a great authority on criminal law in this country.

Babu Ramnarayan Singh: Is the hon. Minister replying to the debate?

Mr. Chairman: Order, order. Let him proceed.

Shri Gopalaswami: Now, I refer to Dr. H. S. Gour who, to the regret of all of us, passed away only the other day. Here is what he said:

"Sir, while I congratulate the hon. Mover for thinking of amending the Indian Penal Code, as regards the forfeiture of property I suggest to him that the whole clause dealing with the forfeiture of property be deleted from the Indian Penal Code. When this provision became part of the Indian Penal Code, a Select Committee introduced the clause relating to forfeiture of property, because it was then in conformity with the existing law of England. But subsequently in 1870, that is, eighty years ago, by statutes XXXIII and XXXIV Vic. Chap. 23. Sec. 1 passed on the 4th of July 1870, the English law of forfeiture was completely altered by a statutory repeal of all penalties of forfeiture except only in the case of outlawry."

That was what he said.

And then the late Dr. Sapru, who, I believe, was then Member of the Executive Council, thought it necessary by a motion to have the Bill referred to a Select Committee. The Select Committee reported and after that report was placed before the House, the hon. Sir William Vincent moved that the Bill as amended by the Select Committee (and the amendment was in the direction of the deletion of these provisions) should be taken into consideration and passed. He said:

"The discussion on the last occasion when the Bill was before this House centred chiefly on the question whether this form of penalty should be.....inflicted only at the discretion of the court and not as an obligatory punishment in the case of certain offences as is the case at present under the law. The Select Committee have examined this point and they have recommended unanimously that the penalty should be done away with, but that in certain cases under sections 121, 121-A and 122 of the Penal Code, the Criminal Procedure Code should be so amended as to allow the realisation of fines from immovable property."

Then that Bill was passed into law. Now what is the present position in the Indian Penal Code? Forfeiture of property is not a punishment for waging war against the King; it is not a form of punishment for promoting insurrection against the established Government. It is not—I am saying this with reference to the interjections that were made on Friday last that the man who harbours a person who has immigrated into Assam is a traitor. It was suggested that he harbours somebody who has committed an offence against the stability or the security of the State and therefore there is no harm in providing for forfeiture of property in a case of that sort, if that punishment was provided for waging war against the King. I have now pointed out to you that that punishment is not provided even now for waging war against the King. But there is a provision in the Indian Penal Code for the offence of harbouring a state prisoner. If a person harbours a person who has committed an offence against the State and allows him to escape, that is by no means a less heinous offence than the offence which a person who harbours an immigrant in Assam could be said to commit. Section 130 of the Indian Penal Code provides for punishment for allowing a State prisoner or prisoner of war to escape from his lawful custody, and that punishment does not include forfeiture of property.

Shri R. K. Chaudhuri: What is the punishment in that section?

Shri Gopalaswami: The punishment is this. He "shall be punished with transportation for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

There are only two or three cases where forfeiture of property is provided for as punishment. They are firstly under section 126 for a person who commits or prepares to commit depredation on the territories of any power at peace with the King. That is to say, this punishment is provided for one of our own nationals who commits a depredation on a neighbouring sovereign country, and the confiscation relates to property that is used or intended to be used in depredation, or acquired by that depredation—not all his property. Then the same punishment is provided for a person who knowingly receives property taken in such depredation. That also relates only to the particular property concerned. The third case is that of a public servant who improperly purchases property which by virtue of his office he is legally prohibited from purchasing, and the property that could be confiscated is not all his property, but the property which he so illegally acquires.

Now, Sir, what I wish to establish by referring to these provisions of the law under which we live today is that, according to the established ideas of criminal jurisprudence, forfeiture of property is a kind of punishment which should not be provided for offences even of a much graver character involving much graver danger to the security of the State than what the Bill under consideration contemplates. My point is this. I said that all the reputation I may have for reasonableness might be lost. All my reputation, all that I have learned of criminal jurisprudence and all that I have administered as criminal law in this country, will be lost if I gave in on this point. So, when my hon. friend Mr. Chaudhuri asks that time should be given for enabling hon. Members to have an opportunity of negotiating with me for the purpose of persuading me to accept this amendment, I am afraid he is only actuated by a forlorn hope. There is absolutely no possibility of my agreeing to accept this amendment.

Shri Tyagi: May I put one question to my hon. friend?

Supposing this House were of the opinion that this is a regular planned invasion by Pakistan and some persons are harbouring these invaders—supposing we are fully of that conviction—I ask my hon. friend Shri Gopalaswami Ayyangar, will not our patriotism and our reputation, be at stake if we do not enforce these provisions in a strict manner and defend our country by all means? I have got the greatest respect for his integrity. But I wish he will in turn acknowledge that persons whose patriotism is beyond all doubt are anxious that India should be defended at all costs.

Shri Gopalaswami: Sir, I am very glad that my hon. friend Mr. Tyagi has put this question to me. I quite realise that it is a question which he has reason to think might embarrass me in answering. But let me tell him that it has caused no embarrassment to me at all. I quite understand a case of mass invasion of the Assam State by people from East Bengal.

I can also imagine a set of circumstances in which the citizens of Assam might be harbouring some of these invaders. But if there was such an invasion there would be a state of war, and when administration has to be carried on during a period of armed conflict, then ..

Shri J. R. Kapoor: It is non-violent war.

Shri Gopalaswami: Then we apply other considerations. Possibly it may be that if it was an invasion for the purpose of annexing the Assam State to

Pakistan, then perhaps the man who invades and the man who harbours him would both be shot down by our military. Here it is merely a case of a person harbouring an offender under the Bill. I have referred to the section in the Indian Penal Code which mentions of State prisoners and prisoners of war. If harbouring takes place in relation to those persons, our Penal Code does not provide for a punishment of forfeiture of property. It is an out-moded, ancient and thoroughly discredited doctrine that you should punish an offender with forfeiture of property. All that the Criminal Law is intended to serve is to impose a punishment which will produce the effect of deterring other people from committing the same offence. That is about all. That should be the ordinary purpose of a Criminal Law; and that would be satisfied by a punishment of imprisonment or fine or both. If you impose a punishment of forfeiture of property, that will affect a much wider circle of people than the actual offender himself, and it is not in an ordered, civilized society, a proper thing to inflict this punishment as a matter of course. Of course, I remember you, Sir, referring to some volume of opinion amongst Congressmen who have had to suffer imprisonment in jails, an opinion that a punishment of mere imprisonment will not deter them from seeking the jail again, but that punishment of forfeiture of property or even fine for that matter, might have a more effective influence on their conduct in relation to the law for the time being in force. Well, Sir, I do not know if a genuine Congressman who believes in *Satyagraha*, in braving punishment of any kind whatsoever, will really commit himself to a position such as the one you indicated. If he did so, I should say he was departing from the principles which should guide any *Satyagrahi*. It is not the form of punishment that is going to decide for him whether he should be a *Satyagrahi* or not. It is rather the cause for which he stands and his attempt to change an existing law by something better.

Now, Sir, I have indicated these views of mine in order that hon. Members may choose whether they will reject this measure straight away at this third reading stage. There is absolutely no prospect, if I am going to be in charge of a Bill of this sort, of my agreeing to an amendment of that nature.

Dr. M. M. Das (West Bengal): Sir, on a point of information. Does the hon. Minister think that the measures which have already been provided in this Bill during the second reading will be sufficient to give us the desired results?

Shri Gopalaswami: Well, Sir, there were two alternatives before Government. One was the alternative for which provision has been made in the Bill. The other was the alternative of introducing a regular permit system on the frontier and preventing entry of Pakistanis into Assam. I have, when introducing the Bill given you the reasons which actuated Government not to adopt the second of these alternatives. The first one is what we have adopted, and if it is really worked in the spirit in which the provision is intended to be worked, I think there will be results which in the course of a short time will put an end to this evil. In this connection I may refer to what I said sometime back, namely that already we have had reports that people who had entered in this way, numbers of them, are finding their way back to Pakistan.

An Hon. Member: Very few. How many?

Shri Gopalaswami: I am not in a position to give you the actual figures because they have not yet been reported to me. The House wanted to have periodical reports of the progress made in this direction. I can only say that the Government of India would certainly try to keep themselves informed as to what progress has been made. Whenever the House wants information about it some hon. Member has only to put down a question and it will be answered straight away.

Sardar B. S. Man: Having taken power under this law, on a point of information, Sir, how is the Central Government going to enforce it? Will they be creating a separate machinery for this purpose, or is it to be assigned to the other long list of laws now with the Assam or Central Government? Are you contemplating a particular machinery to enforce it?

Shri Gopalaswami: Well, as a matter of fact, we have delegated our powers under the Ordinance to the Assam Government, and certain specified officers of the Assam Government recommended by them, and it is the intention of the Central Government to see that these provisions are actively and energetically enforced.

Sardar B. S. Man: Is it to be enforced through the Assam Government? If that is the case, then one can easily imagine the results.

Shri Gopalaswami: Yes, for the time being. The hon. Member is entitled to have his own views about the Government of Assam; I do not dispute his right. But I think he is absolutely mistaken if he thinks that the Government of Assam is going to sleep over this matter. They have been repeatedly insisting upon having powers which they can enforce and if these powers are given to them I expect they will use them. After all it is for the benefit of that State itself. I do not see why we should not trust the Government of Assam; and if we find that the Assam Government do not use these powers in the manner necessary, and that the evil is not reduced substantially then the Government of India will consider the desirability of having other machinery for the purpose of enforcing their powers.

Babu Ramnarayan Singh: Sir, I did not take part in the debate over this Bill; but I kept on watching the proceedings very carefully and listening to the discussions and arguments in connection with it. Sir, I have not been convinced of the utility of and the necessity for this Bill. Rather I may tell you, Sir, that all along I felt very very uncomfortable. Sir, I was painfully reminded of the old saying: "When Rome was burning, Nero was fiddling."

Pandit Krishna Chandra Sharma (Uttar Pradesh): Will the hon. Member please repeat?

Babu Ramnarayan Singh: I was saying that I was reminded rather painfully of the old saying that when Rome was burning, Nero was fiddling.

Shri Brajeshwar Prasad (Bihar): Is it 'Nero' or 'Nehru'?

Babu Ramnarayan Singh: It is for the House to interpret it in the manner it likes.

Sir, there is no doubt that nobody can dispute the statement that in dealing with this matter too much carelessness and cowardice has been shown. My friend Mr. Choudhuri was refuting the charge that the people of Assam were cowards. I agree with him. I say that the people of Assam are not cowards. This charge must be laid at the doors of some others. Sir, within a period of two and a half years, more than five lakhs of people have invaded the land and occupied our territory while my reasonable friend Shri N. Gopalaswami Ayyangar has been thinking of legislation.

Shri Sondhi: Ours is a secular State.

Babu Ramnarayan Singh: My hon. friend is very well known for his reasonableness. I congratulate him on this reputation of his. But I am sorry that he has not earned this reputation for the protection of the country. I may tell him that in dealing with matters of this kind reasonableness may be interpreted as cowardice.

Shri Gopalaswami: I would like to be enlightened whether the hon. Member thinks that it is cowardice.

Babu Ramnarayan Singh: It is, Sir.

Shri Gopalaswami: It is no use saying it is interpreted as cowardice.

Shri Tyagi: Is it unparliamentary?

Some Hon. Members: It is parliamentary.

Babu Ramnarayan Singh: It is for the House to remember and to think that so many aliens have entered our land and our Government are thinking of some powers under some legislation. In a minute or two they will have this legislation; they will have this law and they will have all these powers. But I may painfully foretell that nothing will be done by this legislation. Nothing will be done.

Pandit Krishna Chandra Sharma: May I know whether the hon. Member wishes us to take lawless action?

Shri Tyagi: War is not lawless.

Mr. Chairman: I have been seeing this interruption going on marring the proceedings of the House. I would request hon. Members not to interrupt in this way.

Babu Ramnarayan Singh: With one or two words I will close my speech. If this House will pass this Act, we must put a limit within which period these five lakhs of people must be removed from this country. I suggest that we give six months' time to my hon. friend and reasonable friend Shri Gopalaswami Ayyangar. If they cannot do this much within this period, they must allow this thing to be done by somebody else.

The House re-assembled after Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

Mr. Chairman: The matter has been in my judgment fully discussed and eleven speakers have already spoken at the third reading stage. I think we should now close the discussion. The hon. Minister in charge of the Bill has also said already what he had to say in regard to this Bill.

Shri Buragohain (Assam): Only one or two points, Sir.

Mr. Chairman: Does the hon. Minister propose to make any further speech?

Shri Gopalaswami: I think there is very little left for me to say. I am not keen on making speeches.

Mr. Chairman: Is Shri Buragohain going to put any questions? I think the matter has been sufficiently discussed and I would therefore like to put the question now.

Babu Ramnarayan Singh: After the closure motion was voted down, only one speech has been made.

Mr. Chairman: And that of the hon. Member himself. I will now put the question.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Minister of Commerce (Shri Neogy): I beg to move:

"That the Bill to prevent the improper use of certain emblems and names for professional and commercial purposes, be taken into consideration."

After the animated discussions which have just closed, I hope that the House would welcome a non-controversial measure of the kind that I have the honour to sponsor. This measure owes its origin mainly to the United Nations. In December 1946 the General Assembly of the United Nations passed a Resolution recommending to member nations to take effective measures for the protection of the emblem and the name of that Organisation against improper use, particularly for commercial purposes. In July 1948, the World Health Organisation passed a similar Resolution. Our membership of these international bodies makes it incumbent upon us to give effect to these recommendations. Before, however, legislative effect could be given to the proposals embodied in the Resolutions of these two organisations, Government had issued instructions to those officers who are concerned with the registration of companies, trade-marks, patents and designs, asking them not to grant any application for registration under the enactments which govern such registration in which the emblem and the name of the United Nations as also of the World Health Organisation might be involved. The House is aware that so far as the relevant legislation relating to the registration of companies, patents and designs, as also trade-marks, etc. goes, the authorities concerned have certain powers given to them under the respective laws to regulate the registration in regard to matters of this kind, subject of course to certain limitations, but so far as the law goes, there is nothing to prevent any person from using the emblems and names of such organisations, as also of pictorial representation of, say, leaders of society, religious leaders and others. There is nothing under the law to prevent such uses being made for commercial purposes so long as no registration is involved and no application need be made to any of these authorities for purposes of registration. Now, while we were considering the question of undertaking legislation in terms of the Resolution of the United Nations, as also the World Health Organisation, representations were received by Government that, in view of the instances which were brought to our notice, where the national flag of India and the portrait of Mahatma Gandhi and his name were used for commercial purposes, effective action should be taken to prevent such uses. This explains the genesis of this measure.

Shri Tyagi (Uttar Pradesh): From when did the hon. Minister get these complaints, Sir?

Shri Neogy: Representations came even from some of the foreign countries, where Indian nationals had made use of the national flag and the pictorial representation of Mahatma Gandhi, particularly after his demise, for commercial purposes. Such uses we are familiar with in the country itself.

An Hon. Member: Particularly in advertising.

Shri Neogy: I would now explain the scheme of the Bill. Clause 3 seeks to prohibit the improper use of certain emblems and names which are set out in the Schedule. Of course, if anybody were to obtain the previous permission of the Central Government, well, no such action would come within the mischief of this particular clause. Then clause 4, which is a consequential provision, virtually amends the Company Law, the Trade-marks Law and the Patent Law in so far as anything in the nature of emblems and names which

are covered by clause 3 may be made the subject-matter of an application under those laws for purposes of registration. Clause 5 provides the penalty for contravening the provisions of clauses 3 and 4. Then I should like to draw the attention of the House particularly to clause 8 which empowers the Central Government to add or alter the Schedule by notification.

Sir, I should like to anticipate what I would be saying on an amendment which I shall be moving to clause 3, at this stage. As the wording of this clause goes, it is somewhat rigid and the amendment which I shall move is intended to introduce some amount of elasticity in the operation of this clause in so far as the Government may prescribe by rules the conditions under which uses of this kind might be permitted by Government. I have been very much impressed by the number of amendments which some of my hon. friends have given, particularly for the purpose of enlarging the scope of the Schedule, and after mature consideration, the Government have come to the conclusion that we would agree to drop item No. 4 which relates to the name or pictorial representation of Mahatma Gandhi in this context.

Now the Bill would therefore relate to the names, emblems or official seals of the United Nations Organization and also of the World Health Organization, the Indian National Flag and the official seal or emblem of the Central Government or any of the State Governments or a Department of any State Government.

There is an amendment which has been tabled by some of my hon. friends...

Shri Sondhi (Punjab): Is the hon. Minister omitting item 4 of the Schedule?

Shri Neogy: When I come to that I shall accept that amendment. I do not think I need say anything more at this stage, but I hope having regard to the statement that I have made, the House will agree to take this measure into consideration.

Mr. Chairman: Motion moved:

"That the Bill to prevent the improper use of certain emblems and names for professional and commercial purposes, be taken into consideration."

Shri Kamath (Madhya Pradesh): Sir, I welcome the Bill that has just been moved before the House by my friend, the hon. Mr. Neogy. The Bill as it stands and as it has been moved, seeks to ban the use of certain emblems for professional and commercial purposes and also prescribes penalties for violation of the law. A measure of this nature has been for some time due, and it is well that action has now been taken in this regard by the Government. The Statement of Objects and Reasons says that so far as the United Nations Organization is concerned "the General Assembly of that Organisation recommended in 1946, that is, three years ago, that members of the United Nations should take necessary legislative or other appropriate measures to prevent the use, without proper authority, and in particular for commercial purposes, of the emblem, the official seal and the name of the United Nations and of the abbreviations of that name." This is more or less an international convention that is fast developing and I am sure other member-States of this Organisation have also taken appropriate action in this matter. India being a member-State of the United Nations, I would like to know whether all the other members of this Organisation have taken or are about to take similar steps in this matter as our Government is contemplating in this Bill. So also the W.H.O. has been brought within the scope of this Bill. I do not know whether other World Organisations or other international bodies have moved for similar action being taken with regard to their emblems and their seals or other insignia *i.e.*, for instance, the Food and Agricultural Organisation of the United Nations.

[Shri Kamath]

There are other international bodies of a similar character. I do not know whether those organisations also have taken any initiative so far as the use of their emblems and their seals for professional and commercial purposes are concerned. I would very much like my friend, the hon. Mr. Neogy to throw some light on this subject, in the course of his reply to the debate, about this matter and why it is that only these two bodies have taken this action and other international or World organisations have not so far taken any steps in this regard.

Then there is the other object of the Bill as stated or as envisaged in the Statement of Objects and Reasons which is this that the Indian National Flag, the use of it should not be allowed for purposes within the scope of the Bill except with the permission of the Central Government. This is very salutary and there can be no two opinions that our National Flag and its emblem should be protected. The most controversial part of the Bill is with regard to the use of the name and the pictorial representations of Mahatma Gandhi and other national leaders as envisaged in the Bill in the Statement of Objects and Reasons. I am not quoting from the Bill but reading from the Statement of Objects and Reasons. Though in the Bill itself Mahatma Gandhi's name is only explicitly stated, yet in the Statement of Objects and Reasons the words used are "the names and pictorial representations of Mahatma Gandhi and other national leaders", but when the actual formulation of the Bill came to be made, the name of Mahatma Gandhi only was mentioned in the Bill. Here, Sir, when we discuss this matter, I should not be misunderstood as showing any sort of disrespect to any Congress leader howsoever great he may be, but at the same time while we have reverence for all our leaders, we should not be moved by sentimental considerations when we formulate legislative measures; and I for one, felt, that if the name of Mahatma Gandhi only was to be mentioned in the Bill, why was reference not made to other national leaders in the Statement of Objects and Reasons? That might lead to an anomaly. In the first place, apart from a few outstanding men, it is difficult to say or to define who is a 'national leader' and who is not. This is a moot point always. Some may be considered as 'national leaders' by some and not as 'national leaders' by others and it is always a problematic point; and judging by the way in which leaders have been treated in the course of history, I do not think many would envy the lot of national leaders. There is a story about an American leader in the last century, a national hero. Soon after his election to a high office, he went to a balcony to receive the ovation of the surging mass of crowds below; he was surrounded by the Army chiefs and they were in great jubilation and they told him: "Sir, look at this spectacle. Do not the people love you? They are proud of you." "Why do you say so?" he asked. They said: "Look at the ovation they are giving." He quietly replied: "Perhaps they will give me greater ovation when I am executed." It was this consideration, that the Sanskrit poet had in mind when he said:

Na ganasyagrato gachchet siddhe karya samamphalam
yadi karyavipattihsyat mukharastatra hanyate.

That is, you should not aspire to go in the vanguard of a crowd or an army, because if the thing succeeds, all equally share the glory of achievement; but if it fails then the leader is killed or he suffers. The point I was making was how these particular words came to be included in the Statement of Objects and Reasons. If it was only Mahatma Gandhi, perhaps it might have been all right. But when Mahatma Gandhi "and other national leaders" were mentioned in the Statement and the Bill as formulated did not make any room for "other national leaders"—not the doubtful or the problematic national leaders but the admitted and acknowledged leaders, perhaps acknowledged by the whole world as national leaders of India—I for one started wondering why it was so. As I said, it is far more pleasant and happy to be a follower than a

leader because a follower, shares the credit of the victory, but a leader has to suffer the evil consequences of failure or defeat. Anyway I began to think how these things could be reconciled. I yield to none in this House or outside in my reverence for Mahatma Gandhi. But when we come to legislation of this sort we must try to ascertain how far the measure we are going to enact will serve the purpose we have in view. I for one started thinking "well, what about the cap—the Gandhi cap?" We use the name of Gandhi for the cap, and there are many merchants who put on the Gandhi cap and carry on their trade, good or bad. There is also "Jawahar *bandi* (Jacket)". The name of Jawaharlal Nehru has been associated with the jacket. It has been made use of for commercial purposes and ready-made jackets bearing the name have been sold all over India.

An Hon. Member: And Subhas breeches.

Shri Kamath: I do not know. I have not heard of it. But if my hon. friend knows about "Subhas breeches" I shall consider this matter later on.

An Hon. Member: And Kamath's lock of hair!

Shri Kamath: It struck me that in other countries there is no legislation of this nature. It is more or less left to public opinion. I do not think in any country—England or America or any European country—there are Acts of this sort where the use of the names and pictorial representations of leaders are banned or not allowed.

An Hon. Member: But we are more progressive.

Shri Kamath: I do not know whether we are more progressive, but there is a trait in us to which Dr. Ambedkar referred in the course of his swan-song—I mean his last speech—in the Constituent Assembly. There is a trait—it is a great trait, I do not deprecate it, nor do I want to discourage it—and that is *bhakti*. Hero-worship is there all over the world, but in us it is elevated in some cases to the point of deification. We go to the extent of deifying certain leaders, calling them *Avatars* also. That is a thing peculiar to our own national genius. Not that I quarrel with it—far be it from me to say that. But I am trying to give the genesis of this kind of measure. It must have arisen out of this feeling that the name and picture of a person whom we regarded—many of us regarded—as an *Avatar* are not misused in this fashion and that we as a nation should not tolerate it. That is because he was with us all these years, we had known him intimately and he had left us only recently; and many cases must have been brought to the notice of Government where his name and picture were used for all sorts of purposes without the sanction of Government. The use was degraded in the extreme and therefore perhaps Government had to take this action.

In this connection I might also point out that there were in recent years, especially after the close of the war, all sorts of cafes, restaurants, haircutting saloons, etc., called after Pandit Nehru and Netaji Subhas Chandra Bose.

An Hon. Member: There were also Churchill cigars.

Shri Kamath: I do not know whether Churchill cigar is used as a patented thing. But there are Churchill tanks. That, I suppose, has been permitted by the British Government.

An Hon. Member: What about Chamberlain's umbrella?

Shri Kamath: That is only an adage. There is no commercial use of it.

Sir, I was coming to this point that if we ban the use of the name and pictorial representation of Mahatma Gandhi why should we not ban the use

[Shri Kamath]

of the names and pictures of other leaders as well? There have been *Avatars* in our ancient history about whom some of my hon. colleagues have given amendments. I myself, just as a feeler more than anything else, gave notice of an amendment that the use of the name and pictorial representation of Netaji Subhas Chandra Bose might be similarly banned. I found to my satisfaction that that amendment was followed by a series of amendments—and my purpose was served—with reference to the names of Pandit Nehru, Sardar Patel. As a matter of fact I myself wanted to mention these names, as also those of Dr. Rajendra Prasad and Shri Rajagopalachari, but as they are in our midst, I thought living persons could themselves take action where action was needed and that their names need not therefore be specifically mentioned. Anyway I was glad to find that my hon. friend, Mr. Hazarika, included these names. And then came the general amendment "any other national leader". Then "the name or pictorial representation of President or ex-President of the Republic." Then "the name of any private person whose previous consent has not been obtained". Then "the President of the Indian National Congress, the President, Governors and Rajpramukhs and Minister of the Union or a State". Then "the names or pictorial representation of any god or goddess"—that will satisfy my friend Mr. Rohini Kumar Chaudhuri, he is always particular about goddess whenever God is mentioned—"or religious teacher or prophet" or "pictures or photos of the gods and goddesses that any community in India worships". My hon. colleagues are thinking on these lines and I
3. P.M. am happy to know that. Then "the names or pictorial representations of Lord Rama, Krishna, Guru Nanak, Guru Gobind Singh, Jesus Christ, Lord Budha and Mahavir Swami".

That is a very complete picture of the whole situation.

An Hon. Member: What about Mahavir Tyagi?

Shri Kamath: Well, my friend Mr. Tyagi also is aspiring to become a *swami*, and I would not be surprised if he becomes one.

As I said, this gives a complete picture of the situation, and I believe that after having a look at this formidable list of the names proposed to be banned, my friend, the hon. Shri Neogy also must have thought—not in his personal capacity but as a member of the Government—that it is such a matter that it should not be made a subject for legislation but might be left to the good sense of the people. We are an evolving nation, we are a progressing nation and a free nation. We shall develop our own traditions. Nowhere else is such a legislation in force as we propose to have with reference to item 4 of the Schedule. Therefore, I felt that this item 4 had better be omitted completely; the other things could be retained. There is an amendment to the effect that item 4 of the Schedule be omitted and item 5 be re-numbered as 4. I do not know what would be the fate of that amendment, but I am inclined to support it, again making it clear that my reverence for Mahatma Gandhi is no less than that of any Member of the House or any one outside. But as I have already stated, we should not be guided merely by sentimental considerations in the matter of legislation. Our Prime Minister is never tired of telling us that we must always keep away from mere sentiment—not that the heart is excluded from the head, but that mere sentiment should not be the guiding consideration; it has its place but it should not be the main consideration for action in this House.

One more point and I have done. There is clause 8 in this Bill which says:

"The Central Government may, by notification in the official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act."

I only want to have this point made clear. I do not want a regular assurance: If any additions or alterations are sought to be made in the Schedule

and the names or pictorial representations of anybody, either of the present or of the past, have to be included, Government has assumed powers unto itself, without having the approval of Parliament in that regard, for certain subsequent changes. I have tabled an amendment that this should be done with the approval of Parliament. As the Bill stands, the Schedule can be amended, altered or added to by Government without Parliament being at all consulted in the matter. I have my own doubts whether this is absolutely the correct procedure. It would be better to consult Parliament and get the measure approved and not inform it *ex post facto* and face it with a sort of a *fait accompli*.

Then as regards the penalty for breach of the law, I feel that the penalty that is contemplated in this measure is very low. A person who uses or rather misuses emblems of this nature does it with a design, and I am sure does it only in cases where he can make pots of money by misusing that. May not be always, but I believe more often than not. He does things of this kind only after ascertaining that it will bring him a rich dividend. Therefore, when there is scope for him to make pots of money, I do not see why a paltry sum of two hundred rupees should be the maximum limit. I think it would be better if the punishment is of a deterrent nature. Therefore, a heavier fine should be provided for in this measure. I leave the amount to be decided by the House. The House is competent and wise enough to fix that amount.

An Hon. Member: What is your suggestion?

Shri Kamath: I shall move it when the time comes. Even that the House may reject, or it may enhance the fine to a higher figure than is contemplated in my amendment.

Then I come to the last item in the Schedule which refers to the official seal or emblem of the Government of India or of any Province or acceding State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government. My knowledge is not uptodate in this matter, it is somewhat rusty, but I do not know whether every Department of the Government has got a separate seal or insignia.

Prof. Ranga (Madras): The Defence Services have.

Shri Kamath: The Defence Services have got their own regimental seals and colours but I am not sure that every Government Department has got an official seal or emblem. Every Department uses the same seal today—the Asoka Pillar, the lions and सत्यमेव जयते

Shri Heogy: Then there are flags and other emblems.

Shri Kamath: However, I suppose this has been inserted at the instance of the legal advisers of Government, and they are no doubt very competent.

Before I sit down, I will only say this, that if item 4 of the Schedule is omitted, I do not think there would be much room for controversy over this Bill except with regard to penalty and the power of Government to amend the Schedule later on. I support the Bill.

Mr. Chairman: Shri Tirumala Rao.

Shri Tyagi: Sir, I want to draw your attention to one thing. I want to use this opportunity to bring to the notice of Government the fact that the flag which they have adopted and about which they are now legislating, is getting daily mixed up with the flag of a great political Party in India, the Congress. I have seen Congressmen and Congress officials going in their cars with this flag on and when they pass by a military or police picket I have seen men at those pickets, in their ignorance to distinguish between the *chakra* and

[Shri Tyagi]

the *charkha*, call themselves to attention and salute these Congress officials. It is because anybody in country can put the Congress flag on his car. In the market place, whosoever wants to put on a Congress flag on his car does that and when he passes by military pickets gets the salute. It is absolutely wrong. Though this Bill is meant for other purposes, I wanted to draw your attention to this.

Shri Sondhi: Sir, he can discuss it in the A.I.C.C. meeting.

Mr. Chairman: As a matter of fact, the point which the hon. Member has just mentioned has nothing to do with the Bill before us.

I thought he was putting a question. Shri Tirumala Rao.

Shri Tyagi: May I explain myself?

Mr. Chairman: There is no question of explanation at all. This has got nothing to do with the Bill.

Shri Tyagi *rose*—

Mr. Chairman: I am sorry. I cannot allow the hon. Member.

Shri Tyagi *rose*—

Mr. Chairman: Order, order. Shri Tirumala Rao.

Shri Tyagi: On a point of order, Sir. I beg to submit that in providing that no person shall use any name or emblem specified in the Schedule or any colourable imitation thereof except with the previous sanction of the Central Government.....

Shri Bharati (Madras): What is the point of order?

Shri Tyagi: I beg to submit.....

Mr. Chairman: I am sorry to interrupt the hon. Member, but there is absolutely no point of order with reference to this. Shri Tirumala Rao.

Shri Tyagi: May I resume my speech, Sir? I thought as a Member I have a right to speak on the Bill.

Mr. Chairman: Order, order. I have called Shri Tirumala Rao.

Shri Tirumala Rao (Madras): Sir, it is very difficult for me, on account of my natural admiration for Shri Mahavir Tyagi, to keep aloof from the line he has already chalked out. It requires a little of self-restraint for me to confine myself to the points of the Bill.

Shri Kamath: You have plenty of self-restraint.

Shri Tirumala Rao: I congratulate the hon. Minister. This Bill is not a moment too late, now that the names of all our great leaders are being misused and abused for commercial purposes. We have lost all sense of decency, propriety and even commercial honesty, when we want to use the name of a great leader who lived up to great principles for the very negation of those principles. You see Mahatma Gandhi's name dragged into the business circles. You see Gandhi *beedi*, Gandhi cigarette etc. Recently, there was an advertisement in the *Hindu* of 'Bapu cafe' It says: "It will entertain patrons with best and tasteful preparations to mutual advantage". Gandhiji's name should not have been used for these purposes. In the olden days, when the *khaddar* movement was very popular, our merchant friends from Bombay did not hesitate to import *khaddar* from Japan. It was Japanese *Khaddar*. Not only that, they

produced *saris* and upper cloths with a border woven with Mahatma Gandhi's name. It was Japanese cloth, which was spurious and which was not Indian at all. They called it *khaddar* and wove Mahatma Gandhi's name into the border and passed it on as *khaddar* in the country. It was so rampant, I think, that no Government could control it.

Shri Bharati: They had a photo of Gandhiji also.

Shri Tirumala Rao: Yes. Now, with regard to the abuse to which our Prime Minister's name is put. I am convinced that it is time the Government has now come down with a strong foot on this. We have proprietors of 'Nehru' Hotels. There is one in Madras. He is a Gujarati. The hotel is good and he is making tons of money, and I think in fairness to our Prime Minister I should say that our Prime Minister should have claimed a royalty of at least 50 per cent. of the profits the hotel keeper is making by using the name of our Prime Minister.

Shri Chattopadhyay (West Bengal): There are so many Nehrus in the country.

Shri Tirumala Rao: Ask him whom he meant. If he says that it is not the Prime Minister Nehru whose name he has used, he will not have the custom the next moment. He will not get the money he is getting. Not only that, you will be surprised to see the names of our revered leaders on hair cutting saloons and laundries. Probably, by using these names those poor people think that they have as much claim to exploit the name of great leaders as rich men have got of making use of those names and making money. I sympathise with them, but we should see that we do not allow these things to go down to that level.

With regard to flag also, you know prominently the 'Flag Mark *beedi*' It is a very popular brand, on which the national flag is printed. I think the proprietor of that *beedi* is a Muslim gentleman who has more attachment to Pakistan than to India, but he only exploits the name of the flag for making money. These are the instances we see in regard to the abuse of the names of our leaders. Apart from these, we have seen a film where the name of the Congress President is used. They have put in the advertisement the picture of the Congress President. Some industrial concerns ask for the opinions of great leaders in their visitors' book and afterwards they publish them, and claim that their product is the best. The Government of India must employ some standards institution, especially the Commerce Ministry should certify as to the quality of certain things that are manufactured by the industrial concerns of our country.

Shri Sondhi: That is for I. & S.

Shri Tirumala Rao: Of course, Commerce and I. & S. go hand in hand. I think so.

Shri Neogy: *indicated assent.*

Shri Tirumala Rao: These things should be stopped. I do not want to take much time of the House. But these advertisements must be controlled. I think I can quote an advertisement which is published in a calendar and is sent to all respectable people. Though it is not worth quoting much, still I would draw the attention of the House to it. It says:

"Our custom is never too much, like making love to a widow."

Some Hon. Members: This is too much. Is it allowed?

Shri Tirumala Rao: It is allowed. It is a fairly respectable firm. It is making money. It prints this on calendars and these calendars are found in every street corner and in every respectable house. Is there any power for the Government to control such obscene advertisements—I want to know?

Shri Neogy: There is a law.

Shri Tirumala Rao: There may be a law. But I want to know whether it strictly comes under the trade marks or emblems or any such thing.

The Minister of Works, Mines and Power (Shri Gadgil): There is no trade mark in such things.

Shri Tirumala Rao: I accept Mr. Gadgil's authority for it. But there are so many other things.

Shri Sidhva (Madhya Pradesh): So many people write so many rotten things.

Shri Tirumala Rao: What to do? You have to see that certain standards of morality are maintained in the business world. Government should see that not only great leaders' names are not used but also these obscene advertisements do not appear. The business community should not be permitted to use such methods to advance their business. We have got the Asoka Chakra. I doubt very much whether it would not be a temptation to many of the business firms to use it as an emblem in their business. All these things have to be effectively prevented. The schedule, I am afraid, is very meagre. It is confined to a few items. Government must take power to make the schedule more comprehensive.

Shri Neogy: It is provided in the Bill.

Shri Tirumala Rao: The scope of that schedule, in the light of the misuse being made of the names of our leaders and institutions, should be expanded and these abuses should be put an end to.

Shri Tyagi *rose*—

Prof. Ranga: Again a second time, Mr. Chairman? He has already delivered three speeches on this.

Shri Tyagi: My previous speech was not considered to be a speech by the House.

Shri Bharathi: On a point of order, Sir. Do you consider, in view of his previous speech, that he should be called again?

Mr. Chairman: As a matter of fact, it was no speech. He wanted to put a question. Therefore, he was permitted. Ultimately, it turned out that it was not a question at all.

Prof. Ranga: A question degenerated into a speech. That is not the way the House should be treated.

Shri Tyagi: May I go on, Sir? I submit that the idea of prohibiting the use of Gandhiji's name in trade or business is not acceptable to me. In my opinion, there should be no restriction. Even though the hon. Minister has been pleased to take out from the schedule that part which pertains to Mahatma Gandhi's name, still the Government is being given powers to add to the schedule whenever it likes. Other names or Gandhiji's name, or whatever else they wish to add, they might add. I submit that Gandhiji's name is neither the monopoly of the Government nor of the country or a section of the country or any political body. (*An hon. Member*: That is the point.) Gandhiji's name

may be freely used either nationally or internationally, and there is nobody who can have any check on it. If anybody misuses the name or puts in his name for his profit, he will run the risk of being ridiculed in the country and nobody will purchase his products. (*An hon. Member*: Who said so?) Nobody will use the name unless it fetches money to him.

I am sure the use of a name as trade mark which is repulsive, which violates canons of decency and which annoys the public, will in the long run not prove beneficial to the party which uses it. Business people are always conscious of public reactions and they would be the last persons in the world to do anything which will jeopardise their business interests. If somebody in his enthusiasm, uses or misuses a name, he will have to give it up in the long run.

Now, for instance, there have been many *avatars* of God, like Rama and Krishna. Now, can anybody say that Rama's name should not be used? Krishna's name is being used in the case of many hotels. Nobody objects to it, though everybody admits that God's names should not be associated with hotels. The same analogy applies to Gandhiji as well. Gandhiji is too big a person to be brought into law. Gandhiji belongs to everybody and anybody who is enthusiastic will use his name. Even Pandit Jawaharlal's name is being used in that way.

Shrimati Durgabai (Madras): On a point of information, Sir. I think the hon. Minister had made it clear that item No. 4 of the schedule (the name or pictorial representation of Mahatma Gandhi) would be deleted and that he would be moving an amendment to that effect. Would, therefore, any more discussion of Mahatma Gandhi's name be relevant?

Mr. Chairman: The amendment has not yet been accepted by the House. So, strictly speaking, the speech of the hon. Member is in order. But it is no use proceeding on the basis that the amendment will not be accepted. I think the time of the House would be better utilised if we proceed on the assumption that the amendment will be accepted.

Shri Tyagi: Whatever that may be, since I am speaking on this Bill. I feel I must express what I really feel about Gandhiji's name. I, therefore, submit that there should be no restriction whatsoever on the use of Gandhiji's name.

In regard to clause 3, I find that there is an amendment in the name of my hon. friend Shri Neogy which reads:

"Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government."

This clause has a close bearing on the Schedule, but, unfortunately the Schedule is not elaborate enough. It contains only five items, namely, the name, emblem or official seal of the United Nations Organisation, the name, emblem or official seal of the World Health Organisation, the Indian National Flag, the name or pictorial representation of Mahatma Gandhi and the official seal or emblem of the Government of India or of any Province or Acceding State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government. The schedule contains a casual mention of a few emblems. I would seriously suggest to the hon. Minister to delete the schedule altogether and vest a general power in the Government. This must

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be a power which should be inherent in the Government. This will obviate the necessity of Government having to come before this House every now and then to change the items in the schedule.

Shri R. K. Chaudhuri (Assam): Sir,.....

Mr. Chairman: Mr. Bharati.

Shri Bharati: Sir.....

Shri R. K. Chaudhuri: On a point of order, Sir. The convention in every Parliament is that the Member whose voice is first heard is to be given preference and not he who catches the eye. It is not the catching of the eyes that decides, but the hearing of the voice. In this particular instance, I called out "Sir" and Mr. Bharati did not utter anything, but he was allowed to speak and not I. Certainly my voice was heard first and still I have not been allowed to speak, and Mr. Bharati who did not utter anything but only got up, he has been allowed to speak. Sir, I can cite authority to show that the Member whose voice is heard first must be given the first preference.

Shri Bharati: That will be catching the ear and not catching the eye.

Mr. Chairman: The hon. Member does not surely like that anyone should be caught by the ear. Here the eye has to be caught and not the ear!

Shri Bharati: Sir, I shall be very brief. There is only one matter which is the subject of controversy and I shall refer to it in brief. The hon. Minister has not given any reason why Government have decided to delete item No. 4 and I must confess that I am greatly surprised at this decision. Probably the hon. Minister will give his reasons in his reply, so that I may have an opportunity to be convinced. But at present, personally, I feel there is great need for retaining item 4, and I entirely agree with my friend Shri Tirumala Rao that it should be there. Instances have come to light, and the attention of Government has been drawn to the improper use of the name of Mahatma Gandhi and pictorial representation, and that also—and that is the important point—in a manner likely to offend the sentiments of the people. Sir, the reason why, I presume this item No. 4 was put in was because Mahatma Gandhi's name was improperly used for commercial purposes and in a manner which was offending the sentiments of the people. Well, it is a question of fact in every instance, whether such use is improper and whether such use is for commercial purposes and such use is likely to offend the sentiments of the people. Well, that is why Government have taken powers under clause 8 to include certain names. It will be a question of fact on every occasion whether the use is improper and whether it offends the sentiments of the people.

Shri J. R. Kapoor (Uttar Pradesh): Where is it provided in the Bill—in which clause?

Shri Bharati: It is in the Statement of Objects and Reasons; and I will read the portion.

"..... Instances have also come to light of the use in India (and abroad) of the Indian National Flag and emblem and of the names and pictorial representations of Mahatma Gandhi and other national leaders, for commercial and trade purposes and in a manner likely to offend the sentiments of the people."

The justification for including item No. 4 is this that instances have come to light. I can cite a number of such cases. Mr. Tirumala Rao was right. In Madras, people were very much offended when the name and pictorial representation of Mahatma Gandhi were used, for instance in the *Beedi* trade. Many people resented it, objected to it, and even passed resolutions to the effect that such use should not be made. I know on lemonades and aerated waters

Mahatma Gandhi's name was used. In every case it is a question of fact on which Government will have to decide, whether it offends the sentiments of the people or not, whether it is proper use or not.

Shri Tyagi: Will the hon. Member use Mahatma Gandhi's name in election, Sir? Will he or will he not? Won't he like it?

Shri Bharati: It is not a question of my liking it or not. It is for the Government to decide, in a particular set of circumstances whether it is improper use or not, and whether it is likely to offend the sentiments of the people. Such instance have come to light, that is, such improper use for commercial purposes. Elections certainly are not commercial and using a name for election purposes is not using it for commercial purposes. The provision is intended only where the name is degraded. If Mr. Kamath would say that Netaji's name is used for commercial purposes and in a manner that is likely to offend the sentiments of the people, then his name ought to be included in the Schedule. And therefore, Sir, I am against the deletion of this item No. 4. I do not want to impose my own personal view, but it is for Government to decide in each case whether the use has been proper or improper. Therefore in view of the fact that the name of Mahatma Gandhi and other leaders have been used in this manner, I would like Government to examine the question closely and if they are satisfied that there is justification for it, then to include this item. There has been such improper use, as I said. The name and picture of Mahatma Gandhi were used for commercial purposes, and it created a great deal of resentment, especially among the people of South India, and they...

Shri Kamath: Why South India? Everywhere.

Shri Bharati: I know of only South India. Therefore I would like the hon. Minister to reconsider the question and see if he cannot keep item No. 4.

Shri Neogy: I shall be very brief in my reply. Beginning with my hon. friend Mr. Kamath, I should like to inform him that the only other country which is a member of the United Nations Organisation and has already passed legislation somewhat on these lines is Pakistan, as far as we know. I am not aware of any such action having been taken by any other country. It may be due to lack of information. But I would not definitely say that no other country has taken legislative action.

As regards the other point, whether other organisations of a similar character are likely to ask for similar protection, there is no information available at the moment with Government that any such case is likely to arise in the near future.

Virtually the rest of the debate has proceeded on my announcement that I would be prepared to accept an amendment which seeks to delete item No. 4 from the Schedule, the item relating to the name or pictorial representation of Mahatma Gandhi. I deliberately did not want to say anything in justification of this stand because I wanted to maintain Mahatma Gandhi above all controversy even in this House, and the debate that has arisen on that point indicates the justification of my attitude. There is a great deal of difference on this particular point as far as I can gather. For instance my hon. friend Mr. Tyagi thinks completely differently from my hon. friend Mr. Bharati.

Shri Tyagi: But he is using Krishna's name.

Shri Neogy: Just as my hon. friend uses the name of Hanuman who is also worshipped in all parts of India. Well, I do not want Mahatma Gandhi to compete for a place in the schedule along with, say, Neogy the Central Minister, because that was one of the suggestions in one of the amendments.

[Shri Neogy]

I may tell the House that this does not mean that Government would not take any action if circumstances justify it, and I can assure my hon. friend Mr. Bharati that Government will keep the situation under careful examination and if at any time, action is called for, in view of the circumstances, Government will not hesitate to take adequate action for the purpose of including not merely Mahatmaji's name, but any other subject that may require to be protected under this particular measure.

Sir, I do not think I need deal with any other point, because I do not think any other point of substance was made at all in the debate.

Mr. Chairman: The question is:

"That the Bill to prevent the improper use of certain emblems and names for professional and commercial purposes, be taken into consideration."

The motion was adopted.

Shri Neogy: I beg to move:

"That in clause 2, for the words 'unless there is anything repugnant in the subject or context' the words 'unless the context otherwise requires', be substituted."

Sir, it is merely a verbal amendment.

Mr. Chairman: The question is:

"That in clause 2, for the words 'unless there is anything repugnant in the subject or context' the words 'unless the context otherwise requires', be substituted."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended was added to the Bill.

Shri Neogy: I beg to move:

"That for clause 3, the following be substituted :

'3. *Prohibition of improper use of certain emblems and names.*—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.'"

The House will note that in the proposed substituted clause it is desired to prescribe exceptions by rules made by the Central Government instead of leaving every single case to be decided by Government as it comes up. We might be able to prescribe certain general regulations which would be for the guidance of the public in this behalf.

Then the second point of importance is that we want to take power to authorise any officer to exercise the power under this particular clause. The original draft left the matter entirely to the decision of the Central Government. It would be possible for Government, under the amendment I have proposed, to authorise officers, if necessary, in different parts of the country to exercise this power subject of course to the general rules that are proposed to be promulgated under this clause.

Mr. Chairman: Amendment moved:

"That for clause 3, the following be substituted :

'3. *Prohibition of improper use of certain emblems and names.*—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.' "

Shri Raj Bahadur (Rajasthan): Sir, I welcome this amendment, but I have a misgiving about the use of the word 'business'. If it is used in a larger connotation, this might perhaps affect the use of the national flag in certain processions and celebrations in connection with national festivals. In its largest connotation or implication the word 'business' may not only refer to trade or commerce, but might also refer even to functions or business connected with national festivals, processions and the like.

Some Hon. Members: Business only.

Shri Raj Bahadur: On festive occasions the national flag may be hoisted on buildings, and processions may be taken out with the national flag carried in front. The use of the flag on such occasions may fall under the mischief of the word 'business' in this clause. Therefore to make sure, I would ask the Minister whether he will take steps to see that no restriction is placed on the use of the national flag on such occasions.

Another point on which I wish to say a few words is that in certain Indian States, flags are being used which are not national flags. They may be personal flags of the ex-rulers. They are hoisted sometimes even on public buildings. I want to know whether the restriction imposed by this Bill will be extended to such cases also. Only the national flag should be allowed to be used on public buildings and no others. I wanted to bring this matter to the notice of the hon. Minister in charge of the Bill.

Shri R. K. Chaudhuri: I do not find any useful purpose served by this clause 3. As a matter of fact I do not find any need for this legislation at all. In the Statement of Objects and Reasons I do not find any convincing reason for this Bill.

Mr. Chairman: May I just invite the attention of the hon. Member to the fact that the stage of such comments has passed away now?

Shri R. K. Chaudhuri: I am only speaking on this clause. What is the use of this clause? I want an explanation from the hon. Minister as to what great mischief this clause is going to cure and what great good it is going to bring to the Republic of India. People complain of wastage of time in this House by certain Members. I do not understand why Government should waste the time of the House by bringing in legislation of this kind when our attention has to be concentrated on other important matters.

Shri Neogy: Is the hon. Member speaking on the amendment?

Shri R. K. Chaudhuri: I am speaking on clause 3. I am entirely in agreement with Shri Tyagi that there should be no Schedule at all. I can understand objections to any trade or business associating Mahatma Gandhi's name with *bidis* or Pandit Nehru's name with cigarettes or Neogy's name with Dance halls. I can understond it if the Bill is intended to prohibit that kind of thing. For that there should be no schedule at all. Whenever we find the names of our leaders associated with trades which they do not want, there should be legislation to stop. it. That is a different thing. But to have this kind of

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legislation, because the W.H.O. or the U.N.O. wants it is absurd, meaningless and unreasonable. What have I got to do with the U.N.O.? The history of the U.N.O. is well-known to this country. We know the U.N.O as a body which has been unable to settle our dispute in regard to Kashmir. That body has almost prevented us from getting our right. At the behest of that body, which has done nothing for our country, are we going to pass this legislation? The name of the (W.H.O.) World Health Organisation is introduced here. This W.H.O. sends out people to survey malarial conditions. They do not visit the province where malaria is rampant, where every second man is suffering from malaria as in Assam. Nobody would agree to this legislation brought in at the behest of this World Hell Organisation. I am not speaking with any hatred to any organisation. With regard to this law their advice is not at all needed. I would not like to have this clause because I want to popularise our National Flag. The inclusion of the words 'National Flag' in the Schedule is most unfortunate.

I want everybody, every trader in every corner of the world, to make use of our national flag. Every Indian should popularise the national flag as much as possible and for that purpose, if he makes use of the national flag, I would rather welcome it and not discourage it. Our national flag was previously dishonoured and brought down from every building, from every school and other places. Now, it ought to get prominence not only in India but also everywhere. In this matter of popularising the national flag our traders can help us more than anybody else, and no trader should be debarred from using the national flag as an emblem, and in that sense the Schedule has very unhappily included the national flag.

Shri Neogy: Is the hon. Member speaking on the Schedule?

Shri R. K. Chaudhuri: Clause 3 mentions the Schedule.

Shri Sondhi: There has been no reply from the Government.

Mr. Chairman: Yes. Hon. Mr. Neogy.

Shri Neogy: I would not do anything which is irregular according to the procedure of the House. I think I might give an assurance to my friend Shri Raj Bahadur that there is no ground for any apprehension that the word "business" here would be used except in the sense of a commercial business. If we look at the juxtaposition of the words "trade, business, calling or profession", the intention is very clear. So, there is no justification for my hon. friend's apprehension. As regards my hon. friend, Mr. Chaudhuri, I need only say that he seems to be suffering from the hangover of his speech on the previous legislative measure.

Shri Raj Bahadur: May I know whether, just as the Union Jack is inscribed on the front plate of Morris cars, could the national flag also be used for similar purposes?

Shri Neogy: That has to be determined by Government after an application to that effect is received.

Mr. Chairman: The question is:

"That for clause 3, the following be substituted :

'3. *Prohibition of improper use of certain emblems and names.*—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.'"

The motion was adopted.

Mr. Chairman: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Shri Kamath: I have given, Sir, two alternative amendments to clause 5 but I propose to move the second alternative only. Sir, I move:

"That in clause 5, for the word 'two', the word 'five' be substituted."

I want to enhance the penalty from Rs. 200 to Rs. 500.

Mr. Chairman: Amendment moved:

"That in clause 5, for the word 'two', the word 'five' be substituted."

Shri Neogy: I would accept that amendment, Sir.

Pandit Krishna Chandra Sharma (Uttar Pradesh): I beg to move:

"That in clause 5, for the words 'fine which may extend to two hundred rupees' the words 'simple imprisonment which may extend to one month and shall also be liable to fine which may extend to five hundred rupees' be substituted."

I need advance no argument for this. I think that drastic action is necessary, and simple imprisonment for one month is strong enough. I hope this will be accepted by the Minister.

Mr. Chairman: Amendment moved:

"That in clause 5, for the words 'fine which may extend to two hundred rupees' the words 'simple imprisonment which may extend to one month and shall also be liable to fine which may extend to five hundred rupees' be substituted."

Shri Rathnaswamy (Madras): Sir, I should like to take this opportunity given to me to say a few words on this clause. While wholeheartedly supporting this Bill, my only regret is that this clause does not go far enough to punish the offenders, *viz.* the trading classes. It is evident that the trading and commercial classes in our country have been exploiting the ignorance and poverty of the people and also their sentiments. They also exploit the popularity of our leaders like Mahatma Gandhi for whom the people of this country have great regard and reverence. I do not like to exert myself to prove that the commercial classes have been using these nefarious, if not notorious, methods to get huge personal profits for themselves. Sir, I need hardly say that the mercantile classes use the name of Mahatma Gandhi not out of any regard for his personality but only to cover up the deficiency of their products in quality and quantity. I have had some practical experience of the ways in which the traders in our country have been carrying on their business during the war years and in the post-war period. Their behaviour, I may submit, is anything but above reproach.

4. P.M. There are many things to be said against the record of service of the trading community and the country in general. The tendency to grab money on the part of these commercial classes and trading community in our country became rampant during the war period, and not only this

[Shri Rathnaswamy]

tendency but many other tendencies like black-marketing and hoarding became rampant during the war period, and I may submit, Sir, that this tendency on the part of the commercial classes in our country was largely instrumental for the economic privation and frustration in our country. I, therefore, submit, Sir, that strong and stringent measures should be taken to check this evil tendency on the part of the commercial classes. When they go to the extent of using the name of great and revered personalities like Mahatma Gandhi, we only expect them to follow the principles and the great ideals for which Mahatma Gandhi lived and died. The primary object before these commercial classes in our country has never been either to respect the sentiments or the feelings of the people or to show any reverence or regard for the personalities whose names they are using but it is just to meet their personal ends and to see how far they can get the maximum profit by foul methods than by fair means.

Some speakers pointed out the ways by which these commercial classes have been exploiting the sentiments of the people all these years. It passes my comprehension when I look at their ways. I may submit, Sir, that they are degrading and disgraceful on the part of the commercial classes. They should come forward to improve the lot of the people and they should be imbued with the true spirit of service to the community but it is so very pathetic to find that commercial classes are being imbued with the sole object of extracting as much gain and profit as possible. It is really very disgraceful to find the National Flag being exhibited in undesirable places, particularly as Mr. Bharati put it, in some places in Madras. It is very scandalous to find names such as "This is Gandhi *beedi*" or "Netaji Saloon" or "Nehru Laundry" and things of that kind. It is really done with the object of earning more money and the mercantile community knows that by using these names, they can play upon the sentiments of the people and it is only with the prime object and motive of getting more and more money that these mercantile classes have been using the names of our revered leaders.

I can quote one or two instances of the American way by which the American businessmen have been trading. There is a very interesting and attractive advertisement on a tooth paste. I find that it runs like this: "Press me at this end. I will meet you at the other". That is the way how the business community should attract and please the customers. I may submit, Sir, that the standard of business morality of the mercantile community in America is considerably greater than what we find today in our country. Here the mercantile community is not imbued with the true spirit of service. They quote Gandhiji's name, Pandit Jawaharlal Nehru's name and the names of many other revered leaders, but I am afraid, they are not prepared to follow the ideals or follow the golden path set up by revered personalities like Mahatma Gandhi. I would only like the mercantile community in our country to set an example of being in a true sense useful and helpful to the people. It is only in the people's contentment and happiness that the mercantile community can find better scope and better ways for making huge gains and also improve their business methods.

With these few words, Sir, I have great pleasure in commending this clause for the acceptance of the House, and my only anxiety is that the Government should take more and more stringent and strong measures to punish the offenders. They have not only been offending the feelings and sentiments of a great number of people in our country but at the same time, they have been unscrupulous to use any method, more foul than fair, and to extract as much gain as possible.

شری ٹی - حسین : سبھا پتی جی ! ہمارے سامنے جو بل رکھا گیا ہے اسمیں کلاز بائی کلاز (clause by clause) جو امنڈمنٹ (amendment) رکھے گئے ہیں اس کے متعلق جو شخص اس قانون کی مخالفت کریگا اسکو دو سو روپیہ تک فائن (fine) ہو سکتا ہے - اسکے اوپر ہمارے لائق دوست نے جو امنڈمنٹ پیش کیا ہے کہ اسکو پانچ سو روپیہ تک جرمانہ کیا جا سکتا ہے اور اس کو ہمارے آنریبل منسٹر صاحب نے مان بھی لیا ہے - دوسرا امنڈمنٹ جو ہمارے لائق دوست مسٹر شرما نے پیش کیا ہے اس میں یہ ہے کہ دو سو کے بجائے پانچ سو روپیہ فائن کیا جائے اور اس کے ساتھ ہی ساتھ سمپل امپریزنمنٹ (simple imprisonment) بھی کیا جائے میں مسٹر شرما کے اس امنڈمنٹ کو سپورٹ (support) کرتا ہوں -

میرے خیال میں یہ دو سو روپیہ اور پانچ سو روپیہ جو فائن رکھا گیا ہے وہ کوئی معنی نہیں رکھتا - یہ بل جو بنایا گیا ہے وہ ان لوگوں کے خلاف ہے , ان بزنس مینوں (businessmen) کے خلاف بنایا گیا ہے جو کہ لاکھوں روپیہ بڑے بڑے لوگوں کا نام لیکر کماتے ہیں - میں سمجھتا ہوں کہ ان کے لئے دو سو روپیہ اور پانچ سو روپیہ کوئی چیز نہیں ہے -

Shri Gadgil : It is a continuing offence. Every time if it is repeated it means two hundred rupees to Government.

شری ٹی - حسین : اگر یہ بات لکھی ہوتی تو کیا بات تھی - اس طرح کی تو کوئی بات اس بل میں نہیں دکھائی دیتی - اس بل میں تو صرف یہ لکھا ہے کہ کوئی آدمی اس قانون کو توڑے گا اسکو دو سو روپیہ تک جرمانہ ہو سکتا ہے - لیکن ہمارے سامنے جو امنڈمنٹ آئے ہیں اس میں دو سو روپیہ تک جرمانہ کر دیا گیا ہے اور اس کے ساتھ ہی ساتھ اس کو جیل بھی جانا پڑیگا اگر مجسٹریٹ کے سامنے پروو (prove) ہو گیا -

श्री गाडगिल : बराबर जेल जायेगा ।

شری ٹی - حسین : میرے کہنے کا مطلب یہ ہے کہ بڑے بڑے مرچنٹ (merchant) ہمارے لیڈروں (leaders) کا نام لکھ کر لاکھوں روپیہ کما رہے ہیں - محض دو سو روپیہ یا پانچ سو روپیہ فائن کرنے سے کام نہیں چلے گا - آجکل روپیہ کی ویلو (value) کیا ہے یہ تو آپ لوگ جانتے ہی ہیں - میں اسبات پر زیادہ تقریر کرنا نہیں چاہتا - مگر یہ چاہتا ہوں کہ اس طرح کے لوگوں کو آسانی کے ساتھ نہیں چھوڑا جانا چاہیئے - جو بڑے بڑے مرچنٹ بڑے بڑے لوگوں کے

[شری ٹی۔ حسین]

نام کا ناجائز فائدہ اٹھاتے ہیں اسکو روک دیا جائے اور روکنے کے لئے ہر طرح کی کارروائی کی جانا چاہیئے اس لئے میں مسٹر شرما کے ایمنڈمنٹ کو سپورٹ کرتا ہوں۔

(English translation of the above speech)

Shri T. Husain (Bihar): Sir, the Bill before the House and the amendments that have been moved clause by clause lay down that any one infringing the provisions of this Bill is liable to be fined to the extent of a sum of Rs. two hundred. My hon. friend moved an amendment that the amount of fine be enhanced to Rs. five hundred and this amendment the hon. Minister also has very readily accepted. Another amendment moved by my hon. friend Shri Sharma seeks to enhance the amount of fine from Rs. two hundred to Rs. five hundred along with simple imprisonment which may extend to one month. I support the amendment moved by Shri Sharma.

In my opinion the fine of Rs. two hundred or five hundred, that has been prescribed in the Bill, carry no weight. The Bill before us is meant for those people and businessmen who illegally earn millions of rupees by mentioning the good name and honour of our great and eminent leaders and patriots. I think that a fine of Rs. two hundred or five hundred does not matter at all with these people.

Shri Gadgil: It is a continuing offence. Every time if it is repeated it means two hundred rupees to Government.

Shri T. Husain: Had this fact been mentioned in the Bill it would have been splendid. I do not find any such thing in this Bill. The Bill mentions the simple fact that anyone who would infringe the provisions of this Bill is liable to be fined to the extent of Rs. two hundred. But in the amendments that have been moved this fine has been enhanced to Rs. five hundred and it is suggested that along with this fine the culprit would have to undergo a simple imprisonment also if the case is duly proved in the court of a Magistrate.

Shri Gadgil: He will surely have to undergo imprisonment.

Shri T. Husain: I wanted to submit that big merchants are earning millions of rupees by utilising the names of our leaders. A mere fine of Rs. two hundred or Rs. five hunded would be of no avail. You well know what the value of money is in these days. So I do not want to make a lengthy speech on this issue. But I would like to submit at least so much that such persons must not be let off so easily. This illegal profiteering and money making of these big businessmen by fraudulently mentioning the good name of our leaders should at once be put an end to and every step possible must be taken to stop this racketeering. Therefore I support the amendment moved by Shri Sharma.

Shri Shiv Charan Lal (Uttar Pradesh): Sir, I think it will not be a continuing offence. If a man has put something on the sign-board, and if you prosecute him, he will be convicted once and he will not take down the sign-board unless there is something said in the Act itself. If you put in this Bill a clause, then you can order him to remove that sign-board, and if he does not, you can confiscate his shop or business. It takes one year for the Magistrate to convict the man and in the meantime the offence is continued. Then he goes in appeal to the sessions judge, and by spending a certain sum of money, he can take two

years to get a decision. From that place he goes to the High Court in Revision, and there also he takes at least six months, and in that way, he can go on with that sign-board or with that name for more than three years.

At the end, if he has to serve the sentence, say, even of simple imprisonment or has to pay the fine, that won't do. Therefore my submission is that there ought to be a provision by which Government can order the man, before he is convicted, to remove the emblem at once, say, within three days, and if he does not comply with it then Government should provide something to enforce that order. That is my point.

Shri Ethirajulu Naidu (Mysore): Sir, two of the hon. Ministers have agreed with the need for imposing the penalty for a continuing offence. Every day that a man sells his wares with the prohibited emblem he contravenes the provisions of this measure and commits a continuing offence. May I therefore suggest—though I have not tabled an amendment to that effect—that with a slight alteration the purpose in view can be achieved, that is, by adding at the end of clause 5 the words "for every day of such contravention". The amount of fine may be reduced if it is thought that Rs. 200 for every day is too much. The previous speaker pointed out that the final disposal of any prosecution might take a year or two and at the end of two years if a fine of Rs. 200 is imposed it will certainly be inadequate, having regard to the two years of contravention, and will not serve the purpose of the Act. Therefore I would suggest, as is done in the case of most of these continuing offences, the fixation of a certain amount of fine for the period of contravention. As I said, if the sum of Rs. 200 is felt to be too much for a day, it might be provided that the fine may extend to Rs. 50 for every day of such contravention. I hope the hon. Minister will consider the utility of this proposed amendment and accept it.

Shri Neogy: I should like to draw the attention of the House to the wording of clause 3 as also to the amendment that has been carried at my instance to that clause. There the wording was "No person shall...use or...continue to use". So, if a party continues to use a particular emblem which he is prohibited from using, that would be a continuing offence. And I am advised that this is quite sufficient for the purpose of meeting the needs of the situation. Furthermore I should add that in the circumstances of the case, a fine of Rs. 500 is considered by Government to be quite adequate.

Shri J. R. Kapoor: Sir, may I ask the hon. Minister in charge of the Bill to consider one suggestion which has been thrown out by a previous speaker, namely, that the court may be authorised to direct the withdrawal from the market of such commodities as have on them the offending emblems? Otherwise all those articles which are in the market already will continue to be sold with those emblems. Under some other Acts, as my hon. friend Mr. Sen was pointing out when I was discussing these doubts with him, the courts are authorised to direct that the material which is in the market, bearing the offending emblems should be withdrawn. I think some such provision has to be incorporated in clause 5. That will be very helpful.

Shri Neogy: I take it that so long as there is anything available in the market with the offending label it will be a continuing offence. He will be deemed to continue to use that and will be liable to fine *ad libitum*.

Shri J. R. Kapoor: Suppose I am a manufacturer and I have already sold the goods. The goods are not in my possession. They are with a certain retailer, very much away from my reach. I cannot be prosecuted for the simple reason that I am allowing a certain retailer a thousand miles away from my place to sell them, over which I have absolutely no control. In regard to that I cannot be prosecuted again.

Shri Neogy: But the retail trader would be liable.

Shri J. R. Kapoor: If you authorise the court to give such a direction it would be much better.

Mr. Chairman: May I point out to the hon. Member that in regard to the offence of using or continuing to use the label or emblem, the manufacturer does not necessarily come in? Any person 'using or continuing to use it' is liable.

Shri Bharati: When he is selling the article is he to be construed as *using* or continuing to *use* design or emblem?

Mr. Chairman: The question is:

"That in clause 5, for the words 'fine which may extend to two hundred rupees' the words 'simple imprisonment which may extend to one month and shall also be liable to fine which may extend to five hundred rupees' be substituted."

The motion was negatived.

Mr. Chairman: I shall now put Mr. Kamath's amendment.

The question is:

"That in clause 5, for the word 'two', the word 'five' be substituted."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Shri Kamath: There is an amendment in my name to clause 7.

Mr. Chairman: The hon. Member's amendment is not relevant because the object of the amendment is only to use the word "Saving" instead of the word "Savings" in the marginal heading. It has been held by the Speaker previously that the heading does not form part of the section. Therefore I am putting the clause to the House.

Shri Kamath: But may I know whether the word will be retained as it is or will it be corrected.

Mr. Chairman: It is a matter which will be dealt with by the Draftsman.

Shri Neogy: Sir, I am advised that the plural is the correct form.

Shri Kamath: In connection with the Assam Bill also it was "Repeal and Saving". It should not be "Savings" which is a matter concerning the Finance Minister.

Mr. Chairman: I am putting the clause to the House.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Shri Kamath: Sir, I move:

"That in clause 8, after the word 'may' the words 'with the approval of Parliament' be inserted."

I find my friend Mr. Sidhva has moved an amendment on slightly different lines, namely, "that the said Schedule showing such addition or alteration shall be placed in Parliament Library with a notice to the House". The underlying intention of both is the same, that Parliament must be taken into confidence at some stage or the other. I prefer Parliament being taken into confidence at the earlier stage and not at the later stage when it is more or less a *fait accompli* and the Government comes to Parliament for *ex post facto* approval. It is far better for the amending Bill to be placed before Parliament for its approval or sanction rather than that the addition or alteration be made and Parliament be completely in the dark about it, except for the Gazette notification. We are not aware just now as to what additions or alterations Government have in view or may contemplate at any subsequent date. It may be that additions, such as those referring to any organisations of an international character or otherwise, may be contemplated to be included in the Schedule. But with regard to these matters Parliament must have its say, I think before the Schedule is so amended as to prevent the improper use of these names or emblems. Otherwise it might lead to various irregularities. I think that Parliamentary control even at the initial stage is very necessary in these matters. I therefore commend it for the acceptance of the House.

Mr. Chairman: Amendment moved:

"That in clause 8, after the word 'may' the words 'with the approval of Parliament' be inserted."

Shri Neogy: Sir, I am afraid I am not in a position to accept this amendment. My hon. friend Mr. Chaudhuri thought that it was absolutely a waste of time to consider a measure of this nature, but what my hon. friend Mr. Kamath has suggested is that whenever Government may have to add any particular item to the Schedule it will have to be done virtually by legislation. But then there may be occasions when prompt action may be needed. In the circumstances of the case, I do not think it is justified that on every such occasion the time of this honourable House should be taken up for consideration of such little matters.

So far as the question of bringing such notifications to the attention of hon. Members is concerned, I can give the assurance that on every such occasion the notification will be placed on the Table of the House and it will be open to hon. Members to initiate a discussion, if they like, on that notification. After all, this is a Government which is responsible to Parliament and just as this House has its own responsibilities, so has the Government and if the Government acts in a manner which is contrary to the wishes of the House there are well-known constitutional expedients for bringing such a Government to book.

Shri Kamath: In view of the assurance given by the hon. Minister, I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Shri Neogy: Sir, I move:

"That after clause 8, the following new clause be added :

'9. *Power to make rules.*—The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.' "

This is consequential on the amendment which the House has adopted on my motion on clause 8 by which provision has been made for the making of rules.

Mr. Chairman: The question is:

"That after clause 8, the following new clause be added :

'9. *Power to make rules.*—The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.' "

The motion was adopted.

New clause *9 was added to the Bill.*

Shri Ramalingam Chettiar (Madras): Sir, in the absence of Mr. T. T. Krishnamachari, if you will allow me I will move his amendment.

Mr. Chairman: No, there are other hon. Members who have given notice of the same amendment.

Shri A. C. Guha (West Bengal): I beg to move:

"That item 4 of the Schedule be omitted and the subsequent item 5 be renumbered as item 4."

In view of the powers which clause 8 confers on the Government and in view of the power which the Government has taken under the new clause, I think that any specific mention of Mahatma Gandhi's name should be omitted here. The discussion that has taken place in this House has shown the feelings of the House that Mahatma Gandhi's name should not be put under a definite ban for use by the public. Therefore, I move that this may be omitted from the Schedule. If and when necessary, Government may take appropriate action under clauses 8 and 9.

Mr. Chairman: Amendment moved:

"That item 4 of the Schedule be omitted and the subsequent item 5 be renumbered as item 4."

Before we proceed to the discussion of this amendment, I may just point out that all the other amendments, that is from 24 to 33, have reference to the names of leaders or other such-like matters.

Shri Kamath: Except 26.

Mr. Chairman: Yes. In view of the assurance given by the hon. Minister and in view of the discussion which we had in the House, I do not think any great purpose will be served by discussing and spending more time over the other amendments. I would, therefore like if the hon. Minister indicates in his reply whether he is prepared to accept this amendment.

Shri Neogy: I accept this amendment. I do not think I need add anything to what I have said on this point in my opening address.

Mr. Chairman: May I take it to be the decision of the House that no other amendment on this point may be moved and speeches for and against it be not made at this stage?

Hon. Members: Yes.

شری ٹی - حسین : سبھا پتی جی ! جو امینڈمنٹ ہمارے سامنے موجود ہے
کہ شیڈیول (Schedule) میں سے نمبر ۴ - یعنی مہاتما گاندھی کا نام ہٹا دیا جائے۔
اس کی ہم مخالفت کرنے کے لئے کھڑے ہوئے ہوں - ہم چاہتے ہیں کہ انکا
نام شیڈیول میں رہے - اس کی ہم وجہ یہ دیتے ہیں کہ اگر آپ شیڈیول کو
دیکھیں گے تو اس میں پانچ چیزیں ہیں - آپ نمبر ۱ اور ۲ کو لیں - یہ
یو - این - او (U. N. O.) اور ڈبلیو- ایچ - او (W. H. O.) ہیں - یہاں ہمارے ملک
میں عام طریقے سے لوگ ان چیزوں کو نہیں جانتے ہیں - جاننا کو نہیں معلوم
کہ یو - این - او (U. N. O.) کیا ہے - زیادہ تر ٹریڈرس (traders) نہیں جانتے کہ
یو- این- او کیا چیز ہے- اور جو بزنیسمین (businessmen) ایڈورٹائز (advertise)
کرتے ہیں وہ اس غرض سے کرتے ہیں کہ لوگ ان کو دیکھیں اور ان کی چیزوں
کی خریداری کریں - اور اس طرح انکی بکری بڑھے - جب یہ نیت ہے اور اس
نیت سے یہ سب چیز کی جاتی ہے اور ان کو ایڈوانٹیج (advantage) ملتا
ہے - تو وہ لوگ کبھی یو - این - او اور ڈبلیو - ایچ - او کا نام نہیں لینگے -
کیونکہ جنتا کو یہ معلوم نہیں ہیں - اس لئے یہ دو چیزیں بالکل بیکار ہیں -
اب آپ دیکھیں کہ نمبر ۳ پر نیشنل فلیگ (National Flag) ہے - اس وقت
آپ موجودہ حالت کو دیکھیں وہ یہ ہے نہ معلوم گورنمنٹ کا حکم ہے کہ سوا
منسٹرس (Ministers) کے کسی کو ہم نہیں دیکھتے کہ وہ نیشنل فلیگ کا
استعمال کرتا ہو - کسی کو ہمت ہی نہیں ہوتی کہ وہ اسے استعمال کرے - ہم
اس کو اپنے موٹر کار پر لگانے کی ہمت نہیں کر سکتے - غالباً ہم کو اس کا علم ہے کہ
حکومت کا یہ حکم ہے کہ معمولی انڈیویجوول (individual) اس کا استعمال نہ
کرے - اس لئے چاہے قانون بنے یا نہ بنے نیشنل فلیگ کو تو کوئی تو کے
مارے استعمال نہیں کر سکتا - پانچویں چیز ہے آفیشیل سیل اور ایمبلیم
(Official seal or emblem) - چاہے وہ ہندوستان کی حکومت کا ہو یا صوبے کی
حکومت کا - یہ سب چیزیں جو آپ چاروں طرف لگی ہوئی دیکھ رہے ہیں ان کو پبلک
جانتی تک نہیں ہے کہ یہ کیا ہیں - اور کوئی ٹریڈر ان کا استعمال نہیں کرتا
ہے - جب میں نے اس بل کو پڑھا تو مجھے اس کا اصول یہ معلوم ہوا کہ
مہاتما گاندھی کا نام نہ آئے - آپ دیکھیں گے کہ مہاتما گاندھی کی پوزیشن ہمارے
ملک میں اور دنیا میں آج وہی ہے جو کہ جیسس کرائسٹ (Jesus Christ)
کی ہے - ہم کسی ملک میں نہیں دیکھتے کہ جو سب سے بڑا شخص ہوتا

[شری ٹی - حسین]

ہے اور جس کو ہم اوتار یا پیغمبر کہتے ہیں اس کا نام اس طریقے سے ایڈورٹائزمینٹس (advertisements) میں استعمال کیا جاتا ہو - ہم لوگ جس عزت کی نگاہ سے مہاتما گاندھی کو دیکھتے ہیں اس کو دیکھتے ہوئے ہمیں کسی شخص کو مہاتما گاندھی کا نام اپنے فائدے کے واسطے نہیں استعمال کرنے دینا چاہیئے - ہم نے تو جب اس بل کو پڑھا تو ہم کو اس کی نیت یہی معلوم ہوئی کہ چاہے جواہرلال کا نام آوے یا نہ آوے - یا ہمارے دوست مسٹر نیوگی کا نام آوے یا نہ آوے - مگر مہاتما گاندھی کا نام نہیں آنا چاہیئے کیونکہ وہ ہمارے مالک کے اور ساری دنیا کے ایک بڑے شخص ہیں - ہم نے تو ان کو اپنی آنکھوں سے دیکھا ہے - مگر اب سے ۵۰ یا ۶۰ سال بعد وہ اوتار کی طرح ورشپ (worship) کئے جائیں گے اور ایسا کیا جانا چاہیئے -

श्री कामत : क्या दूनिया के और किसी मुल्क में किसी शख्स के नाम का इस्तेमाल इस तरह बैन (ban) किया गया है ।

شری - ٹی - حسین : ہم اپنے دوست مسٹر کامت کو یہ جواب دیتے ہیں کہ یونائٹیڈ نیشنس آرگیلائزیشن (United Nations Organization) میں ۵۹ نیشنس ہیں جو کہ اسکی ممبر ہیں - غالباً یہ پوچھا گیا تھا کہ کیا کسی نیشن نے ایسا بل پاس کیا ہے یا نہیں - اس کا جواب ہمارے آنریبل مسٹر نیوگی نے یہ دیا تھا کہ پاکستان نے تو ایسا کہا ہے - اور نیشنس (nations) کے بارے میں ان کو معلوم نہیں - سوال یہ نہیں ہے کہ اور نیشنس نے ایسا کیا ہے یا نہیں - ہمیں تعجب ہے کہ ہمارے لائق دوست مسٹر کامت نے یہ سوال کیوں کیا - کیونکہ وہ تو کہا کرتے ہیں کہ ہمیں دوسری نیشاس کی نقل کیوں کرنی چاہیئے -

اگر دوسری نیشنس نے کیا تو ہمیں کیا پرواہ اور اسکے علاوہ ان میں اور ہم میں زمین آسمان کا فرق ہے - ہم ابھی ٹرانزیٹری اسٹیج (transitory stage) میں چل رہے ہیں اپنے کو بڑھا رہے ہیں اور اپنے کو اونچا رکھنے کی کوشش میں ہیں - دوسری نیشنس کے یہاں اس کا کوئی قانون نہیں ہے مگر یہاں کیسے ہمارے لائق دوست کامت صاحب بتلا سکتے ہیں کہ ان کے سب سے بڑے نیتا کا نام چھپتا ہے - ہم نے تو مہاتماگاندھی کو پہلے سے ایز دی ہائیسٹ (as the highest) مین پلیس (place) کر دیا اور جو انکا نام کہیں پر چھپتا ہے ایز دی ہائیسٹ (as the highest) میں اور اس طریقے پر ہم ضرور سمجھتے ہیں کہ ہم کو مہاتما گاندھی کی بہت بڑی عزت ہے اور ہم کو ان کو اس نظر سے دیکھنا بھی

چاهیئے - میرے آنریبل فرینڈ (friend) مسٹر نیوگی نے جو امنڈمنٹ (amendment) پیش کیا ہے اس میں امنڈمنٹ یہ ہے کہ پروھیبیشن آف امپراپر یوز (Prohibition of Improper Use) کے لئے ہم لوگ کر رہے ہیں - مہاتما گاندھی کا نام امپراپر یوز (improper use) میں آ سکتا ہے - ہم لوگ صرف امپراپر یوز (improper use) کیلئے ناجائز استعمال کے لئے اس کو رکھنا چاہتے ہیں جس سے جلد ناموں کو نہ لیا جائے - ان چند ناموں میں ہم ضرور چاہتے ہیں کہ مہاتما گاندھی کا نام جبکہ لفظ امپراپر یوز (improper use) اچھا ہے تو یہ نہیں ہو سکتا ہے کہ مہاتما گاندھی کا نام لوگ امپراپر یوز کے ساتھ لا سکتے ہیں اس لئے میں آنریبل شری نیوگی سے ضرور استدعا کرونگا کہ اس امینڈمنٹ (amendment) کو نہ مانیں اور ضرور مہاتما گاندھی کا نام اس میں رہنے دیں - وہی شخصیت دنیا میں ایسی ہے جو ہر وقت سب کو گائڈ (guide) کرتی رہی ہے اور کرتی رہے گی -

(*English translation of the above speech*)

Shri T. Husain: Sir, I rise to oppose the amendment moved, namely, that item 4 of the Schedule or the name of Mahatma Gandhi should be omitted. The reason for this is that if you look at the Schedule, you will find that it consist of five items; you may take the case of Nos. 1 and 2—these refer to the U.N.O. (United Nations Organization) and the W.H.O. (World Health Organization), and here in our country the people are not generally conversant with these organizations. The people do not know what is the U.N.O. Most of the traders do not know what is U.N.O., and those who advertise their business, do this with the object that they should attract the customers who would purchase their articles and thus augment their sale. When this is the motive and it underlies all such methods employed by the commercial classes to get advantage, then these people will never use the name of U.N.O. and W.H.O. because the general public are not familiar with these organizations. Therefore, these two items are quite redundant.

Now, you may take the case of item No. 3 which refers to the National Flag. You just see the present conditions—I do not know whether these are the orders of the Government—that we do not see anyone except the Minister using the National Flag. Nobody can even dare to use this. We cannot venture to fly this on the bonnet of our motor cars. Perhaps we are aware of some such orders issued by the Government that an ordinary individual should not use this. Therefore, you may or may not frame the law, nobody can use the National Flag out of fear. The fifth item relates to the official Seal or Emblem—may this be of the Government of India or of any State. All these things which you see around—the people do not even know what these are—and no trader uses these for commercial purposes. When I read this Bill, I found that its object was that the name of Mahatma Gandhi should not be used. You will find that Mahatma Gandhi occupies the same position in our country as well as in the world similar to that held by Lord Jesus Christ. We do not find in any country that the name of the greatest man whom we consider as the prophet or an *avtar* (incarnation of God) is used in the advertisements in such a manner. Keeping in view the esteem and respect in which we hold Mahatma Gandhi, we should not permit anybody to use his name for personal benefit. When I read this Bill, I found that its object was that the name of

[Shri T. Husain]

Mahatma Gandhi should not be included notwithstanding the fact that the name of Shri Jawaharlal or that of my friend Shri Neogy is used or not, because he is one of the greatest men not only in our country but throughout the entire world. We have seen him with our own eyes. But after fifty or sixty years hence he will be worshipped as an *avtar* (incarnation of God) and this should be done.

Shri Kamath: Has any other country in the world also banned the use of the name of any person in this manner?

Shri T. Husain: In this connection, I would tell my hon. friend Mr. Kamath that the United Nations Organization constitutes of 59 Member nations. Probably it was enquired whether any nation has passed any such measure or not. In reply, our hon. friend Mr. Neogy had stated that Pakistan had already passed legislation somewhat on these lines and that he was not aware of any such action having been taken by any other country. This is not the question whether other nations have acted in this manner or not. I really wonder why my hon. friend Mr. Kamath put this question because he has very often remarked that why should we copy other nations. If other nations have done this, then what to us; and apart from this there is a vast difference between them and us. We are still moving in the transitory stage. We are moving forward and endeavouring to enhance our prestige. Other nations have not passed any such legislation. But I would like to know from my hon. friend Mr. Kamath as to how the name of their greatest leader is used here in advertisements. We have from the very outset placed Mahatma Gandhi in the category of 'as the highest', and when his name is used in the advertisements in this manner, then it invariably means that we have got great respect for him and we should unequivocally hold him in such an esteem. The amendment moved by my hon. friend Mr. Neogy seeks to prescribe prohibition of improper use. The name of Mahatma Gandhi can fall within the scope of 'improper use'. We want to make provision merely to prevent the improper use of certain names. Now when the words 'improper use' have been provided, we do not desire that the people should exploit the name of Mahatma Gandhi for improper use. Therefore, I would certainly request my hon. friend Shri Neogy not to accept this amendment and let the name of Mahatma Gandhi be included in it. His is the only personality in the world who has all along been guiding everyone and shall continue doing so.

Shri Bharati *rose* —

Mr. Chairman: I think the question has been sufficiently discussed and I will put it to the House.

Shri Bharati: I want to say something on the general question.

Mr. Chairman: I think it has been sufficiently discussed.

The question is:

"That item 4 of the Schedule be omitted and the subsequent item 5 be renumbered as item 4."

The motion was adopted.

Shri Neogy: Sir, I beg to move:

"That in item 5 (renumbered as 4) of the Schedule, the words 'Province or Acceding' be omitted."

This is the new terminology that has come into vogue under the new Constitution.

Mr. Chairman: The question is:

"That in item 5 (renumbered as 4) of the Schedule, the words 'Province or Acceding' be omitted."

The motion was adopted.

Mr. Chairman: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Shri Neogy: I beg to move:

"That in sub-clause (1) of clause 1, for the figures '1949' the figures '1950' be substituted."

Mr. Chairman: The question is:

"That in sub-clause (1) of clause 1, for the figures '1949' the figures '1950' be substituted."

The motion was adopted.

Shri Kamath: I have been anticipated by my friend Mr. Neogy. I am in very good company. It is the same amendment as mine that he has moved. So I am not moving my amendment.

Shri Neogy: Sir, I move:

"That for sub-clause (2) of clause 1, the following be substituted :

'(2) It extends to the whole of India except the State of Jammu and Kashmir, and also applies to citizens of India outside India.' "

Mr. Chairman: Amendment moved:

"That for sub-clause (2) of clause 1, the following be substituted :

'(2) It extends to the whole of India except the State of Jammu and Kashmir, and also applies to citizens of India outside India.' "

Shri Kamath: In regard to my amendment, I wish to ask, on a point of clarification, since the previous amendment of Mr. Neogy has been adopted, whether a citizen of Jammu and Kashmir living outside India will come under the purview of this Act? It will not apply to the State of Jammu and Kashmir, but supposing a citizen of Jammu and Kashmir is outside India, will this legislation apply to him or not as an Indian citizen.

Shri Neogy: The position is this. This legislation comes within the ambit of entry No. 49 of the 7th Schedule to the Constitution of India, List No. 1 (Union List) Entry 49 is: "Foreign inventions and designs, copyright trade marks and merchandise marks." The State of Jammu and Kashmir has acceded to the Union of India in respect of certain specified subjects, and this is not one of the subjects in regard to which that State has acceded to the Union.

Shri Kamath: So the second part of the hon. Minister's amendment which says "also applies to citizens of India outside India" would not apply to citizens of Jammu and Kashmir residing outside India.

Shri Neogy: No. If he resides initially in that territory it will not apply to him. But if such citizens are found within the rest of the Union of India where it is an offence, then they are liable to prosecution.

Shri Kamath: I am referring to a citizen residing outside, say, in Europe or Asia.

The Minister of State for Transport and Railways (Shri Santhanam): It is a nice point for lawyers.

Shri Kamath: We must decide this point. Why leave it to lawyers? We should not expand the paradise for lawyers.

Shri Neogy: If it is an offence under this law and if this offence is committed by a citizen of India to whom this law applies while he resides outside the State, the moment he comes within the territory of India where the law applies, he will be liable to prosecution. That is a principle which is not new. It is already recognised in the criminal laws of the country.

Shri Raj Bahadur: I am afraid, Sir, the position is not still clear, because the citizenship of a resident of Jammu and Kashmir is co-extensive with his citizenship of India and as such when a person belonging to Jammu and Kashmir resides outside India, will this law apply to him or not by virtue of his citizenship of India?

Shri Neogy: That is a point on which, I am afraid, I am not in a position to give an answer straightaway.

Shri J. R. Kapoor: To me there appears to be absolutely no doubt as to whether a resident of Jammu and Kashmir who is also a citizen of India when he commits this offence, *i.e.* when he is acting in a manner which he is prohibited from acting under this act, while he is residing outside the territory of India, is liable under this Act or not, for the simple reason that when as a citizen of India he goes beyond the borders of India, he carries with him certain rights and privileges of the citizen of India, and those things come within the purview of external relations, and since Jammu and Kashmir has acceded to India with regard to external relations, therefore the conduct of the citizen of Jammu and Kashmir who is also a citizen of India when he is outside the territory of India is certainly regulated by this provision.

Mr. Chairman: The question is:

"That for sub-clause (2) of clause 1, the following be substituted :

'(2) It extends to the whole of India except the State of Jammu and Kashmir, and also applies to citizens of India outside India.'"

The motion was adopted.

Mr. Chairman: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

Shri Neogy: Formally, I think I have to oppose the Preamble according to the previous practice. But so far as the enacting formula is concerned, I move:

"That for the existing Enacting Formula, the following be substituted :

'BE it enacted by Parliament as follows :—'."

Mr. Chairman: The question is:

"That for the existing Enacting Formula, the following be substituted :

'BE it enacted by Parliament as follows :—'."

The motion was adopted.

Mr. Chairman: The question is:

"That the Enacting Formula, as amended, stand part of the Bill.

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

Mr. Chairman: The question is:

"That the Preamble stand part of the Bill."

The motion was negatived.

Mr. Chairman: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

Shri Neogy: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

INDIAN TARIFF (THIRD AMENDMENT) BILL

The Minister of Commerce (Shri Neogy): Sir, I would crave the indulgence of the House to make a personal statement with reference to the motion that has been put down in my name. One of the industries that is proposed to be protected by this Bill is the textile machinery industry. And I should like to state that my wife and I own some shares in the capital of two public limited companies engaged in this industry. The value of the shares that we own bears comparatively an insignificant proportion to the total capital. Nevertheless, after very careful consideration of the matter, and in consultation with those whose opinion in this behalf I value, including the hon. the Prime Minister and the hon. the Speaker, I have come to the conclusion that it would be in some respects inappropriate if I were to pilot this Bill in this House. I would recall that the propriety or otherwise of a Member of a Legislature participating in discussions on proposals that may benefit him personally, and voting on such proposals, came up for consideration in the Indian Legislative Assembly in connection with the steel industry protection Bill in 1924. I have studied those proceedings, and also certain relevant paragraphs in May's Parliamentary Practice. I realise that the conventions in the British House of Commons distinguish between direct pecuniary interest and pecuniary interest shared by a Member with the general population, or matters of State policy. Further distinction also exit according as the Bill concerned is a private Bill or a public Bill. In 1924 the President of the Legislative Assembly, largely following the House of Commons practice, decided that no disability should attach to Members of the House in the matter of taking part in or voting on issues particularly arising on a public Bill, even if the Members may have some pecuniary interest in the subject matter of the Bill. While, therefore, from a technical point of view, there may be no bar to my piloting this Bill, none of the precedents that I have been able to lay hands on specially deal with this matter as governing the conduct of a Minister as distinguished from any other Member of the House. This distinction in my view is of considerable importance, and it is having regard to this that I feel that I should not be in charge of the measure. With your permission, Sir, my hon. colleague Mr. Gadgil will take over this Bill.

Shri B. Das (Orissa): Sir, the ruling of Sir Frederick Whyte given in 1924, quoted by my hon. friend Shri K. C. Neogy has no application in this connection. My hon. friend is only a shareholder in a textile manufacturing company. The question of profit only comes in when Mr. Neogy is a member of the Board of Directors of the company or enjoys a share in the remunerations of the Managing Agents.

Mr. Chairman: In view of the lucid statement made by the hon. Minister and his desire that a colleague of his should move the consideration of the amendment to the Indian Tariff Act, there is no point in suggesting that he ought to move it.

Shri B. Das: But the acceptance of that principle would be tantamount to saying that no Minister holding a share in a certain manufacturing concern shall discuss the subject matter of that Bill.

Mr. Chairman: I think the best course is to accept the statement of the hon. Minister and ask Mr. Gadgil to move the consideration of the Bill. No principle, precedent or convention is being established by this procedure.

Shri Tyagi (Uttar Pradesh): If we accept the principle, it becomes a convention of the House. Therefore, this is a very important matter. I must, on behalf of the House, congratulate Mr. Neogy for the best feelings with which he has come forward in establishing a healthy convention. Every hon. Member knows that his pecuniary interest in an industry would not in the least affect his decision or judgment. Mr. Neogy's reputation is very high in the whole country and when he comes forward expressing his disinclination to pilot this Bill, we must welcome it.

Shri Kamath *rose—*

Mr. Chairman: I do not think we require any more speeches. The principle is now quite clear. The hon. Minister himself has made it quite clear, though under the rules it was not obligatory upon him not to move the Bill, but he has himself chosen to assign this role to his colleague the hon. Mr. Gadgil. There is no objection to this procedure and we may proceed with the Bill.

Shri Kamath (Madhya Pradesh): The House is well aware . . .

Mr. Chairman: Does the hon. Member want to support it or oppose it?

Mr. Kamath: To enlarge it.

Mr. Chairman: There is no question of enlarging it.

Shri Raj Bahadur (Rajasthan): Sir, on a point of order, I would like to know whether the lead given by the hon. Minister will be followed by the other hon. Ministers.

Mr. Chairman: There is no point of order in this.

Shri Raj Bahadur: My point is, will it be a rule hereafter that anybody who has any pecuniary interest in an industry, will not be included in the Select Committee on a Bill concerning that industry?

Shrimati Durgabai (Madras): Supposing you accept this convention, will it not amount to this that a Minister will be precluded from piloting a Ministers' Salaries or allowances Bill, because he himself receives a salary or allowances?

Mr. Chairman: The hon. Member in charge of the Bill himself says that he is not willing to pilot the Bill. There is no point of any convention involved in the procedure adopted. I would therefore call upon the hon. Mr. Gadgil to proceed with the Bill.

Shri R. K. Chaudhuri (Assam): Sir, my point of order is that the statement of the hon. Minister is out of order.

Mr. Chairman: The motion is not moved and there is no point of order.

Shri R. K. Chaudhuri: But Sir, this is a question of joint responsibility and any Minister can move any Bill although it may not belong actually to his portfolio, and no explanation is necessary to this House. So it was quite

out of order for the Minister to give any explanation. Nobody would have bothered about the reason, and Mr. Gadgil could have moved the motion. On the other hand, the statement made by the Minister has given an advertisement for the company in which he had shares.

The Minister of Works, Mines and Power (Shri Gadgil): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The House is well aware by now of the circumstances in which I have been asked to pilot this Bill. I should like to take this opportunity, Sir, to record my appreciation of the high and correct stand taken by my hon. colleague Mr. K. C. Neogy. It seems that even to be virtuous is something like a sensational thing in this House.

An Hon. Member: No, no.

Shri Gadgil: If it is not, then what my hon. friend Mr. Tyagi said should have found an echo in the heart of every Member of this House. We are entering.....

Mr. Chairman: May I request the hon. Minister to come to the point direct.

Shri Gadgil: Sir, this Bill is intended to embody the recommendations of the Tariff Board on two matters referred to it. One recommendation of the Tariff Board is in connection with the starch industry and the other is in connection with the textile machine tools. The recommendations of the Tariff Board in connection with the starch industry are that the protective duty on starch should be raised from 18 per cent. *ad valorem* to 20 per cent. to continue protection to the starch industry for a further period of two years, ending 31st March 1952; to raise the duty on farina from 18 per cent. to 20 per cent. *ad valorem* and to change its character from revenue to protective; to impose a protective duty of 20 per cent. *ad valorem* on sago flour; and so far as the other industry is concerned, to impose a protective duty of 10 per cent. *ad valorem* on certain cotton textile machinery and parts.

As the House is aware as far as the starch industry is concerned, the whole thing was considered by the Indian Tariff Board in the year 1947. Now, it is well known that this industry got a great impetus during the war period, and immediately after the war.....

Shri R. K. Chaudhuri: On a point of information, Sir, what is "farina"?

Shri Gadgil: Farina is a sort of flour which is used for the purpose of sizing cloth, just as sago flour is used or maize flour is used.

Well, in 1947, this question was specifically referred to the Indian Tariff Board and the Board was asked to consider these points. The terms of reference state that in the case of each industry the Board will after examination report whether the industry satisfies the following conditions—

That it is established and conducted on sound business lines;

That having regard to the natural or economic advantages enjoyed by the industry and its actual or probable cost, it is likely, within a reasonable time, to develop sufficiently to be able to carry on successfully without protection or State assistance;

That it is an industry to which it is desirable, in the national interest, to grant protection or assistance, and that the probable cost of such protection or assistance to the community is not excessive.

[Shri Gadgil]

The Tariff Board in 1947 recorded evidence of the various factories that had come into existence as a result of the war-time impetus. They were about 41, and now they are 39—two being in Pakistan. And after making elaborate enquiries, the Tariff Board came to the conclusion that this was an industry in which all those conditions and principles which have been accepted for the purpose of granting protection are available and protection, therefore, ought to be given. In one of the recommendations it was also stated that after the first initial period of two years was over, the matter should be again referred to the Indian Tariff Board.

Now, so far as the supply of raw materials necessary for this industry is concerned, the main raw material, Sir, is maize, and if you take into consideration the quantity of maize that is produced in this country, it has been put down at about two million tons by the Tariff Board in 1947. Just five per cent. of it is required for this industry. But what happened at that time was, maize being an article of food, it was not possible for these factories to have maize, with the result that most of these factories closed down. The Tariff Board, therefore, recommended that out of a supply of 50,000 tons of maize which is absolutely necessary to keep the factories going, at least 25,000 tons must be made available to them. Although the rated capacity of these factories is considerable, still as I said, maize being an article of food, it was not possible for them to get anything, with the result that production went down from 26,000 tons in 1946 to just 3,599 tons in the year 1948. When this question was again referred to the Tariff Board the recommendations of which are now sought to be embodied in this Bill which I have just moved for consideration, this second enquiry endorsed whatever was laid down by the Indian Tariff Board in its first enquiry, and they made certain recommendations. Not only was the duty on starch accepted, but they recommended that it should be raised to 20 per cent. Now, it is well known that the textile industry is one of our leading industries. And in the process of sizing, starch is absolutely necessary. If it is possible for this country to be self-sufficient in this, all effort should be made. With a view to that, the recommendations that have been made by the Indian Tariff Board in its second enquiry ought to be accepted. The first recommendation, as I stated, is to increase the duty from 18 per cent. to 20 per cent. *ad valorem*. But in the recommendations of the first report there was an anomaly. Though there was a duty on sago, sago flour was allowed free, with the result that if we wish to put this industry on its feet once more and expect it to give us at least 50,000 tons every year, then it is necessary that it must be protected against the import of sago flour which today is allowed free. It has therefore been suggested by the Indian Tariff Board that it should also carry a duty of 20 per cent. *ad valorem*.

5 P. M.

Hon. Members: It is past five o'clock, Sir.

Mr. Chairman: Is the hon. Minister likely to take a long time in finishing his speech?

Shri Gadgil: Yes, Sir, I want about half an hour.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 14th February 1950.